

The National

Security Law

출판국 . . .

1. The Course of the Law

Even before the existence of the Criminal Code of general criminal laws, the National

Security Law (NSL) (출판국 . . .) (1)

was the Maintenance of Public Peace Act, dating back to the days of Japanese imperialism, a law which was used to punish political offenses and suppress progressive tendencies. After the NSL's enactment and during the course of its amendments, it was employed, along with the Anti-Communist Law enacted in 1948, as the most powerful tool for suppressing the Korean Communist Party's (KCP) movement in South Korea. After abolishing the

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freedoms of expression and association, and it has served as the basis for punishing

the NSL's Anti-Human Rights Nature (출판국 . . .) (2)

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infringes on the people's basic rights, especially the freedom of expression. Though

freedom of expression and other fundamental freedoms should be protected, without

reservation, the NSL is used to restrict not only to external actions which may deliberately

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so-called "Anti-Sove Organizations" (such acts are included as "enemy-benefiting" or

crime punishable under this Article. In addition, however, the mere possession of such

materials which are deemed as "enemy-benefiting" is also a punishable act. Furthermore,

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Problematical Aspects of the National Security Law

1. The Course of Enactment and Application

Even before the existence of the Criminal Code of general criminal laws, the National Security Law (NSL) was enacted on 12 December, 1948. The NSL was closely modelled after the Maintenance of Public Peace Act, dating back to the days of Japanese imperialism, a law which was used to punish political offenses and suppress progressive tendencies. After the NSL's enactment and during the course of its amendments, it was employed, along with the Anti-Communist Law enacted in 1961, as the most powerful tool for suppressing anti-government or anti-capitalism movements in South Korea. After assimilating the Anti-Communist Law in 1980, and most recently being amended on 31 May, 1991, the NSL has endured as a tool to deprive individuals of their fundamental and basic rights, especially the freedoms of expression and association, and it has served as the basis for punishing countless prisoners of conscience.

2. The NSL's Anti-Human Rights Nature

The most critical problem with this law is that it fundamentally and thoroughly encroaches upon the people's basic rights, especially the freedom of expression. Though freedom of express, and more specifically, freedom of conscience, must be protected without reservation, the NSL is used to respond not only to external actions which may deliberately express left-wing or socialist sympathies, but also to simple utterances, and even to people's innermost thoughts which are in alliance with such sympathies.

Of this law's provisions, Article 7 entitled "Praise, Encouragement, etc." is representative of the law's overall infringement on the freedom of expression. It is needless to say that publishing pamphlets or books which "praise, encourage, advertise, or support" so-called "Anti-State Organizations" (such acts are labelled as "enemy-benefitting") is a crime punishable under this Article. In addition, however, the mere possession of such materials which are deemed as "enemy-benefitting" is also a punishable act. Furthermore, words simply uttered on armed reserve training grounds, or while drinking, to provide two examples, have also been targets for punishment under this law.

Under Article 10 of the NSL, failing to report to an investigative or intelligence agency one's knowledge of another person's membership in an "Anti-State Organization" is also a punishable crime. In effect, not only have ordinary citizens been arrested under this law, but also their family members, lawyers, and even National Assembly members. Ultimately, this Article constantly forces people to be suspicious of the people around them, and even goes so far as to infringe upon individuals' private thoughts by punishing the fact

that they reserved their mere suspicions instead of notifying authorities.

3. The NSL's Anti-Democratic Nature

Another problematical aspect of this law is that the concepts it uses are all-encompassing and vague, so that it runs counter to the fundamental basis of criminal law, the principle of "nullum crimen sine lege" (i.e., the principle of legality). In addition, while allowing the arbitrary execution of laws by the investigative agencies, it has been used as a tool for securing political power.

The terms of this law, "Anti-State Organization," "praise," "encourage," "support," are too vague to provide a just standard by which to mete out punishment relative to the crime. Therefore, it fails to satisfy even the minimum constitutional requirements which must be met in cases in which potential danger to the democratic order necessitates. Accordingly, the Constitutional Court has declared the application of Article 7 constitutional only in cases presenting a clear danger to the existence or security of the state, or to the "basic democratic order." Even if the Court's decision were to result in the amendment of a part of this Article, even the other general courts, as well as the investigative agency, would undoubtedly ignore the "clear danger" standard set by the Court and would effect little to observe strict law enforcement rules. Instead, they have continued their usual arbitrary practices of unjustly applying this law to cases which supposedly the "public peace" whenever deemed necessary by the political powers.

4. The Anti-Reunification Aspects of the Law

At this time, the subject of utmost importance to the Korean people is reunification. Ever since the Cold War's forcible participants in reunification movements. Excluding a few businesspersons or those whose contacts are considered necessary by the governments, anyone with any contact with the North was punished. The most distinguished writer to have ever visited the North, Mr. Hwang Suk-young was punished on charges of infiltration and escape. Also, anyone who makes unauthorized contact with residents of North Korea can be punished on charges of meeting and communicating.

After the fall of the Iron Curtain, symbolizing the end of the Cold war, the 1992 North-South agreement on Reconciliation and Non-Aggression came into effect. However, even if the North-south Agreement and the actual principles of non-interference were clarified, North Korea would still be nothing more than an Anti-State Organization from the South Korean government's perspective, and any contacts with the North would still be punishable under the NSL.

Born of Cold War ideology, the NSL, used as an unjust method by those acquiring political power, has been wielded as a powerful tool to punish so-called leftist scapegoats in order to fully secure their power. This law must be abolished if we are to fully win the guarantee of human rights, the development of a truly democratic society, and the reunification of North and South Korea. Until then, however, human rights organizations in Korea have organized to form the "Headquarters for the People's Movement for the Abolition of the National Security Law" to help effect the abolition of the law. Also, in the international realm, the UN Commission on Human Rights has recommended that this law be abolished.

Still, however, this law carries enormous power, and no different from the past military dictatorships, it has been used to "mass-produce" countless prisoners of conscience. Because of this, it has been denounced both domestically and internationally as an anti-human rights, anti-democratic, and anti-reunification law. The abuses committed under the NSL must not be allowed to continue forever.

5. Recent Arrests under the National Security Law

Lee Chang-bok and Hwang In-sung, Chairman and Executive Committee member of the dissident organization National Alliance for Democracy and Unification of Korea were arrested on 9 August under the National Security Law. They were preparing the pan-national rally for reunification in Seoul on 15 August.

Furthermore, students aged 18-19, who had engaged in public activities in a high school organization called 'Sam', were arrested on the accusation of studying Kim Il-sung's ideology.

In addition to these cases, over 170 were arrested by the NSL during in this year alone.

The National Security Law

----The Symbol of Korean Human Rights Adversity---

1. Introduction

It has been a long time since many Korean human rights organisation began to assert that the number of prisoners of conscience under present Roh Tae Woo regime exceeded 1,500, more than that of its predecessor 5th Republic which was known as the most oppressive government.

Many foreigners outside the country believe that all the human rights problems in Korea were totally solved. They ask why the Koreans still make a fuss concerning human rights after the breakdown of the military dictatorship and the direct presidential election. It is true that the government elected directly by the people in 1987 have enjoyed the legitimacy and there have been some changes in authoritarian political structures.

However, direct-election and superficial appearances itself does not always guarantee real improvement and true reform towards democracy. A good looking apple may still have a bad taste, full of stinks and poison under the peel. If the present government had resolved to attain the goal of recovering democracy and enhancing the human rights situation, there might have been some premises to be achieved; First, abolishment of the notorious laws which have been used as main instruments to maintain the dictatorship. Second, democratic reform of the investigation authorities including the horrible secret police agency (The National Security Planning Board). The third, re-

examining of human rights abuse cases violated under previous regimes and prosecution,expulsion from the office against the involved in these cases.

But we,to our great disappointment, could not witness any attempt to meet such premises. On the contrary,from the beginning the new government launched the operation of crackdown over the democratic activists. The despotic laws survived. No agency was reformed. No personnel involved human rights abuse cases was punished.It seems,in reality, nothing has been changed.The number of political prisoners reflects exactly consequences of the deteriorating process made under this regime. Despite the clear conclusion,the government have been indulged in the hypocritical propaganda that there is even a prisoner of conscience.

No one can deny the fact that the main mechanism of worsening situation of human rights is attributed to the National Security Law (NSL). The latest statistics show approximately a third of all political prisoners have been arrested on the suspicion of violtaing this law. It indicates that the law stigmatised as the symbol of dictatoship is, until now, effectively used as a means to brandish against its people. The law was born in the beginning of the 'cold war' and has been thrived under the auspices of dictators.To maintain such a law reveals very absurd and contradictory situation of human rights in Korea, retrospecting the recent progress that the harsh wall of 'cold war' have melted down and the trend of democracy have spread over all of the globe. It's impossible to have a systematic idea about human rights problems without understanding this law. Without eliminating the law,it's also impossible to go forward in making the flowers of democracy and unification in full bloom.

2. The Historical Origin and the Process of Deterioration

The first step to understand the NSL must begin with examining of the historical background; how, why and when it came into existence and shape its present diabolic face.

Its origin goes back to the most tragic chapter in Korean modern history, the year of 1945, when Korea was liberated from the Japanese colonial domination and divided into two countries, South and North, by the separate occupation of Russia and American troops. The first government established in August 1948, faced threatening from not only the North, communist but also the left organisation with its own territory; The isle of Cheju was occupied by rebels, the provinces of Honam and Youngnam also challenged the newly born government. The left guerilla had haunted all over the country. These urgent and crucial situation gave birth to NSL in December 1948, even before the enactment of normal penal code.

This law prohibited such activities as to create the 'anti-state organisation' and to benefit such organisations. Even though we admit the urgent need of the legislation like this, it could lead mass violation of human rights from the beginning. A simple membership in a socialist organisation or an accidental utterance for the communist could be incriminated. In fact, just during one year, 1949, 118,621 persons including National Assembly members were punished and 132 political parties and associations were dissolved.

Within a brief period, the government could succeed in

squashing the rebels and in establishing a firm stability with the aid of America. Notwithstanding the disappearance of the early motive in the legislation, all the successive dictators have enlarged and reinforced it continuously. For more than 40 years, the law was revised 7 times. We can point out the characteristics of the changes as following;

First, The law grew up from 6 articles in the beginning, to about 40 now. It means it has been strengthened following the request of political consideration.

Second, at first, the maximum penalty was life-long sentence. But afterwards it has been aggravated towards the direction that more than 30 articles made it possible to sentence death penalty. In this point, we are able to regard it as brutal.

Third, once Park Chung Hee regime appeared by the military coup d'etat enacted 'Anti-Communist Law' besides NSL in 1961. The Anti-Communist Law made it illegal to have contact with not only North Korea but all the communist countries and associations. In 1980, Chun's regime pretended to abolish this law, as they felt uneasy with progress in trade with communist countries. But almost of the main articles remained as the form of incorporation into the NSL.

Fourth, the procedure of revision aforementioned was usually conducted with violation the constitution. For example, the revision of the law in 1962 and in 1980 was accomplished by the military committee after abrupt suspension of the function of the parliament. On the other hand, the draft of the revised NSL in 1958 passed the parliament with unanimous approval of the ruling party after 300 armed police dragged resisting members of the

labourers of the...
political...
opposition parties out of the parliament. On just these reasons, the NSL must be the by-product of destruction of the constitution. It attracts no legality, legitimacy and consent from the people in every point.

3. The Reality of Application and Ordeal of Democracy.

Despite the opposition and resistance of the people, the reason of indulgence of all the former regimes in strengthening this law is that it has been indispensable to maintaining the discredited powers. The practical usage shows the law has been the most important means to suppress the basic freedom of the people.

First of all, political dissents have been the main target of the law. A great amount of citizens caused discontent of the regimes as well as political leaders and their supporters challenged them have been dedicated to the bloody altar of the law as scapegoats. In 1958, Cho Bong Am, a presidential candidate of opposition party against the president Rhee Sung Man, received death penalty and executed according to this law. Since then, Suh Min Ho, Kim Chul, Kim Dae Jung, former leaders or presidential candidates of opposition groups could not free from the law.

The students who asked to reform the corrupted social system and to lessen the sharp contrast between the classes have been to prison by the law. Recently, as labour movement grew stronger, it became frequent to apply the law to the union leaders. Recent statistics continues to show that the proportion of the arrested

labourers by the law hold from a fourth to a third of all the political prisoners arrested under this law.

It is not difficult to come across the cases that the authorities found fault with lectures given by professors, books issued by publishers, verses written by poets, and images illustrated by painters. In the view of the law, all the communists and socialists whose activities are permitted in western countries or scholars and their books which have provided the academic with abundant nourishment should also be sent to prison. Under present government, the men who published 'Das Kaapital' of Karl Marx and possessed it were arrested. The list of authors of punished books (It is ridiculous to say that books have been punished. But it means that the authors, translators, publishers, and even book shop owners related the books have been punished) include famous intellectuals like Gramsci, Lucacci, E.H Carr, Bruce Cummings, Franz Fanon, Morris Dobb etc. If we collect all the cases indicted by the law in a book, it would be an interesting comedy as Aesop Fables.

These absurd cases have been accumulated by the unreasonable logic that all the activities and expressions similar to those of North Korea must be regarded as benefiting North Korea. Because ten thousands of books, leaflets have already been branded as 'enemy benefiting documents', any labourer, student, and citizen who are likely to possess at least one of them ran the constant risk to be arrested. To arrest someone or not is up to the authorities.

With the growing numbers of the arrested, many Koreans don't hesitate to describe contemporary as 'the heyday of NSL'. In addition, they got to reach such a conclusion that the promise

for democracy without abolition the law is inevitably false.

4. The limitations of the Recent Amendments

Present government, inaugurated with the blue-prints towards democratic reforms, could not escape from the pressure of the criticism against the law. Furthermore, 'Northern Policy', the first priority given policy, which emphasize the improvement of relations with communist countries including North Korea, was also contradictory to the NSL.

We can hardly imagine to normalise South -North relations and to proceed the peaceful unification policy without violating the law. The reason is because the law stipulates the North as 'anti-state organisation', and it prohibits totally anyone from all the contacts with the North, or from benefiting to it. Accordingly, the declaration of president Roh Tae Woo on unification policy, and since then, the exchange of diplomats, businessmen, sportsmen, or directly made trade had explicitly been violating the NSL. However, such violations committed by government itself have never prosecuted, on the other hand, unauthorised contacts have been punished without exception. Condemnation ensued on the reason that such a legal practice would destruct the principle of 'equality before the law.'

The government attempted to avoid the conflict and criticism as following;

The one was to feign with a little bit changes that it has already revised the 'cancer clause'. It was not until May 1991 that it passed the amendment without any legal discuss or vote

within the parliament separating the opposition members aside violently. Such a brutal exercise of power was possible after the ruling party was transformed into absolute majority by absorbing two opposition parties in January 1990. The government began to spread the propaganda both inside and outside of the country that it had revised the NSL in democratic fashion and it had completed the initial pledge for democracy. But scrutinizing it makes us that there are no real changes and it leaves only a modification of a few words. The main point of the revision is to impose heavier burden on prosecutors to prove the intention of violators in a few clauses, which reads contacts with North Korea should be done 'on the intention that it might endanger the democratic order.' It must be meaningless if we take it into consideration that the prosecutors or judges have had no interest in examining the 'intention', and on the contrary, the 'intention' of 'benefiting' have always been presumed without any proof. In fact, there have been no changes in the arrested number, the decision of prosecution, and the trial procedure.

The other measure adopted by the government was to enact another law, 'the Law of Exchanges Between South and North'. It contains the articles which permit contacts and trade between two Koreas with the authorization of the government. Under these self-contradictory legal system, the people could not but suffer from the ambiguity, confusion. We could witness the 'double standard' that NSL have been applied only to the conducts of unfriendly persons to the government.

5. The Law Having No Relations With National Security.

Every country has its own legal system to defend national security. It's true we can find the limitations of human rights, or abuse cases like 'Spy Catcher Case' in Britain in the system. It's also needless to say such abuse cases are rare and the victims have finally been compensated in civilised countries.

Now, as far as the NSL concerned, it has been made, changed, and applied to restrict the basic human rights in the name of 'national security'. It stipulate the 'espionage' as only 'the person who spied out the secret'. In relation to the crime, Korean Supreme Court has maintained the unchanged stand point of interpretation that it could be applied to revelation of "all the political, economic, and social information advantageous to enemy, and disadvantageous to us, even though they had already been well known to public by newspapers." As to this opinion, whoever say information obtained during ordinary life can be persecuted as a spy. It's absolutely different from the legal system and practice of western countries which protect only the important military secrecy.

The real danger which have justified the existence of the law also disappeared. The report submitted to Parliament by the home ministry in October 1988 shows that the number of spies arrested sharply dropped and recently we can hardly find any spy dispatched by the North. Many specialists point out that not only economic but military power of the South far exceeds the North. It is also noteworthy that the real reason of active position of the North concerning bilateral dialogue can be explained by the hardship of economic circumstances and urgent need to reduce the heavy burden of defence expenses. The recent agreement of non-aggression and conciliation between the South and the North also

deprives the ground of necessity of the law.

6. Infringement of the Constitution and the International Instrument

(1) The NSL Articles Infringing the Constitution.

First of all, the NSL collides with the Korean Constitution itself protecting all the basic freedom. The Constitution embraces freedom of religion, thoughts, and expression, freedom from torture and so on. It declares the law can not trespass the essence of the basic freedom, even though it is necessary to regulate in terms of national security and public order. In that sense the Constitution is not inferior to that of any other country.

But the NSL makes the Constitution downfall to a nominal decoration. The degradation have been undergone through the arbitrary interpretation of extremely abstract and ambiguous articles. The law ignores the principle of the modern penal code, 'nulla poena sine lege'. Especially, article 7, stipulating "all the persons who give benefit anti-state organisation through praising, encouraging, sympathising, and other means" culpable, is a typical example. It fails to define the meaning of the legal terms, leaving it into the hands of police, prosecutor, and judge. We Koreans cite a proverb as saying "Attached to ears, it become a ear-ring, while attached to nose, it turns to a nose-ring", equivalent to this situation.

These troublesome clauses and management of NSL could not help contributing to make all the basic freedom proclaimed by the

Constitution futile.

(2) The Contradiction with the Common Standard of Human Rights
---NSL reviewed in terms of 'International Covenant On Civil and Political Rights'(I), European Convention for the Protection of Human Rights and Fundamental Freedom(II).---

After World War II which brought formidable scourge and disaster to mankind, not to repeat the same experience it was natural that there occurred collective endeavour to procure the legal system for human dignity and minimum human rights. International Covenant and European Convention can be classified as fruitful core of such efforts. Therefore, these two international instruments deserves to be considered as a barometer suggesting a basic standard of human rights. It will be interesting to compare NSL with these instruments.

1. NSL enabling to sentence death penalty in more than 30 clauses violates article 6 of I, article 2 of II protecting the inherent right to life and saying that "sentence of death may be imposed only for the most serious crimes".

2. Article 3 of NSL punishing "organising or joining the anti-state organisation" with conspicuously abstract terms, empowering the authorities to interpret the clause infinitely, violates article 22 of I, article 11 of II.

3. Article 6 of NSL describing visiting North Korea itself as a crime without any other attempt to enter into another crime,

violates article 12 of I guaranteeing the right "to leave any country and to enter his own country".

4. Article 7 of NSL, as mentioned, penalising the possession of certain thoughts, conscience, religious belief and expression of them, violates article 18 of I and article 9 of II (freedom of thoughts, conscience and religion), article 19 of I and article 10 of II (freedom of expression).

5. Article 8 of NSL prohibiting from meeting the members of the North and communications itself without proceeding to further steps, violates clause 2 of article 19 of I which protecting "the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of the art, or through any other media of his choice".

6. Article 10 of NSL compelling to inform the authorities of the knowledge about NSL related crime against one's own conscience violates article 18 of I and article 10 of II (freedom of conscience) including the freedom of silence.

7. Article 19 of NSL, differing from the Criminal Procedure Act, admitting to delay the terms of arrest until maximum 50 days under the custody of the investigation authorities, is likely to lead to inhuman or ill treatment and compulsory confession originated from long-term detention. It seems to violate the article 7 of I and article 3 of II (Prohibition of torture or cruel, inhuman or degrading treatment), clause 3

of article 9 of I and clause 3 of article 5 of II which ask anyone arrested or detained promptly shall be brought before a judge and entitled to trial within a reasonable time or to release (In addition to the long-term detention of investigation by the article of NSL, with the regulation of Criminal Procedure Act allowing the terms of first trial for 6 months), 'g' of clause 3 of article 14 of I protecting the right not to be compelled to confess guilt.

8. The bizarre inconsistency which the same behaviour of contacts with the North, as mentioned, can be interpreted differently as to whether he or she is friendly to government or not, is clear violating article 25 of I and article 14 of II (the principle of 'equal before the law')

6. Conclusion

---The Solidarity and Strife Against the Law Violating Human Rights ---
 We could grasp clear notion that the NSL has encroached the

general principle, the common standard of human rights and the due process of the law in the name of national security. It proves that to take only one step toward democracy and reunification of Korea is impossible with the law entirely unchanged. The law will keep a number of students, workers and citizens in the endless procession to prison on the only reason that they called for democracy and unification.

The European Parliament which hosts this hearings may be

88		78	122	89	158	14	121	94	78	79	23	779	
89	61	43	106	217	267	271	290	152	40	57	96	22	1525
90		324		193	305	172	87	94	101	113	74	204	1678
91		54		81	144	167	152	242	152	79	17	...	1856
		628		416	795	709	473	410	334	372	256	149	5000

The Situation of Human Rights in South Korea

I. Situation of Human Rights in South Korea

The South Korean government claims that the country has been progressively democratized and therefore the human rights situation has improved. President Roh in November 1989 assured German president Weizsäcker: »There is not a single political prisoner in South Korea.«

1.1 Amnesty International stated that in September 1991 in South Korea there were 200 political prisoners jailed under the National Security Law (NSL). 30 prisoners were convicted for their beliefs and non-violent political activity. »Confessions« of 50 prisoners were extracted in jail under torture.

Reasons for the convictions:

- membership in an organisation defined as »enemy of the state«
- visiting North Korea without government permission
- contacts with North Korean agents abroad
- espionage for North Korea

1.2 Human rights organisations in South Korea and their reports:

- Mingahyop (Support Group of Relatives of Political Prisoners)
- Minbyun (Association of Democratic Lawyers)

The KNCC (Korean National Council of Churches) reported November 10, 1991 in the Hankyore Times the following human rights violations:

- in South Korea there are currently 1136 political prisoners jailed
- since the beginning of the Sixth Republic (February 1988) 5186 political prisoners were jailed.

This means that every day 4.4 persons on average were arrested for political reasons. This compares to 4700 prisoners (1.6 arrests per day) in the Fifth Republic which is considered even by the current government a military dictatorship. The number of political arrests per day in the Sixth Republic therefore has more than doubled (cf. table 1). The annual figure is still increasing.

	1	2	3	4	5	6	7	8	9	10	11	12	
88			38	125	80	159	34	122	41	78	79	23	779
89	61	43	106	217	265	271	200	152	40	62	86	22	1525
90		324		193	306	132	87	94	101	113	74	204	1628
91		54		81	144	147	152	242	152	79	17	...	1068
		626		616	795	709	473	610	334	332	256	249	5000

Table 1: Annual distribution of political arrests. December 1991 is was not available. In 1989 and 1990 60 percent of all arrests happened.

Students are the most affected group. See Table 2 for occupation groups.

Table 2: Occupational distribution of political arrests (as of November 1991).

Students	467 (41 percent)
Workers	384 (33 percent)
Opposition	89 (7.8 percent)
Artists	33 (2.9 percent)
Soldiers/Police	41 (3.6 percent)
Longtime Prisoners	96 (8.4 percent)
Others	26 (2 percent)

Since July 1987 the measures taken against workers are getting increasingly violent. The following laws are applied to political prisoners:

- the National Security Law (NSL)
- the Assembly and Demonstration Law (ADL)
- the Anti-Firebomb Law (AFL)
- the Law Against Violence (LAV)
- in case of strikes the Obstruction of Police Duty Law (OPDL), the Interruption of Work Law (IWL), the Law on Labor Dispute Mediation (LLDM)

Table 3: Distribution of political convictions to various laws as of September 1991. In some cases the law applied could not be identified (N.I.).

NSL	539 (41 %)
ADL	218 (17 %)
AFL	124 (10 %)
LAV	200 (15 %)
OPDL	143 (11 %)
Labor Laws	280 (21 %)
Others	79 (6 %)
N.I.	76 (6 %)

Comparison of NSL Cases:

June 1990 398 (32 %)

April 1991 539 (48 %)

According to the figures, those imprisoned under the Anti-Firebomb Law and Law on Assembly and Demonstration are the second largest in number next to those jailed under the NSL. This proves that the basic rights of the people, such as the freedom of assembly and demonstration are interfered with severely by the government. There are even more prisoners convicted for interruption of work than there are sentenced under the Law on Labor Dispute Mediation, indicating that the government supports the profit of company owners.

1.3 The violation of human rights in a society has many aspects. In South Korea people are affected that became political prisoners because they went to the streets for guarantees of basic rights and the abolition of unjust laws. The fact that there are political prisoners indicates the restriction of basic rights. Their number is a measure for the extent of resistance; the dependence of the legal system can be seen from its convictions.

II. Political and Economic Background of the Human Rights Violations

2.1 In the early 1970's South Korea developed on the basis of its growth economy. The main force of this development was the heavy industry. There was talk about an economic miracle. In the late 1970's the country was hit by a the world economic crisis causing declining growth rates, increasing unemployment and the collapse of many companies.

In the first half of the 1980's there is a recession in South Korea. It could be overcome under the Roh regime not only, as usual, by low wages and a high technical level, but also by low oil prices, low interest rates, favorable exchange rates and by entering the world economic system. The growth rate between 1985 and 1988 was about 10 percent annually.

But since 1989, the South Korean economy is facing difficulties: the trade balance that had been positive for four years was estimated to be in a deficit of \$18.5 billion in 1990. The reason was a weak economy in the industrial nations, particularly the U.S. and Japan, since South Korea is heavily dependent on foreign trade (66.5 percent of the GNP) and has a weak trade structure. The Roh regime was now pushing recklessly for growth instead of the previous superficially democratic economic policies, with an opening of the domestic market and support of large companies. There are some examples for that: the assets of certain large companies increased between March 1989 and March 1990 by 34.7 % while at the same time there was supposed to be an »economic crisis«. Furthermore, 49.4 % of the assets of the 5 largest companies are owned by only a few big shareholders. The four largest companies alone in 1990 had a turnover of \$135 bn: half of South Korea's GNP. But the some 600 companies trading at the stock exchange are indebted by about 400 percent of their capital stock.

The inflation caused by Roh's growth policies is the central problem of the Korean people. According to the Korean Central Bank, the consumer price index rose by 6.5 % ; inofficial estimations put it at 15 % or more. Particularly real estate prices skyrocketed within the last three years by 90 %, the rents and the average cost of living of a worker by climbed 27 % in the year before. This makes the suicides more understandable.

Despite the economic situation of the workers the Roh regime is repressing strikes brutally, claiming that wage increases only lead to price rises and lower export competitiveness. (The about 5000 political prisoners thus are joined by 1211 workers, i.e. 1.1 arrests per day. Furthermore the opening of the domestic market under U.S. pressure since the Chun regime has lead to a destruction of the agriculture and the technology and capital market. Particularly the farmers' economic situation is getting worse and worse. The average debt per farmers' household has now reached DM 1100, and about 4.5 out of 7 million farmers left their land.

2.2 In this situation the opposition parties in the 1978 elections received 1.1 percent more votes than the government. On October 26, the Park regime collapsed. The Chun regime, installed by a

military coup (12.12.79), forced a new constitution upon the country in October 1980. The Kwangju massacre massively questioned the legitimacy of the government. The Fifth Republic had to pursue excessively brutal policies to get out of the economic crisis: Chun decreed low wages and imported foreign capital. Cheaper agricultural products were imported. Consequently, the workers' struggle was suppressed, farmers' debts continued to increase and the companies became dependent on foreign capital.

The attempt to re-organise the parliamentary system for the sake of an indefinite continuation of the regime caused popular resistance, demanding direct presidential elections. The government tried to prevent this. At a student demonstration against the corrupt regime (Suso scandal) a student was beaten to death by iron clubs by policemen and another student trampled to death. 8 students then burned themselves to death in protest and 2 million people demanded the dissolution of the ruling DLP (Democratic Liberal Party) and the resignation of President Roh.

The first local elections in 30 years were held in March and June 1991. Due to the split of the opposition parties and the low voter turnout (59 percent), the ruling DLP won 65 percent of the seats with 41 percent of the vote. The Roh government then took measures to overcome the economic crisis and the declining export: longer working weeks and wage increases of less than 5 percent were imposed. Leading trade unionists were laid off under the pretense of rationalisation schemes. Roh Tae Woo who had proclaimed democratisation in June 1987 got only 38 percent of the vote, despite electoral manipulations. Under popular pressure there was a partial democratisation until the Olympic year 1988. In this time, many books previously banned were published (e.g. The Capital by Marx), social movements in many areas were active, the teachers' union Chunkyocho was founded and the Chunminryun organised in January 1989. The end of the Fifth Republic happened publicly.

According to a poll by the daily newspaper Tong A Roh's Democratic Justice Party would have got only 10 percent of the votes it tried to stabilize its power with a little help from big business and foreign forces. In January 1990 the DJP merged with two conservative opposition parties, forming the DLP after the Japanese LDP's model.

III. Division and Anticomunist Ideology

The last conference of Prime Ministers of North and South Korea resulted in big steps forward. The negotiations stalled until the fourth round. South Korea primarily demanded people's exchange as well as cultural and economic exchange, and inspections of the North's nuclear installations. North Korea favored ending the military and political confrontation. The last conference on Dec.12, 1991 agreed on »Reconciliation, Non-Aggression Treaty and Exchange« and drafted a Joint Declaration on a »Nuclear Free Zone on the Korean Peninsula«. It will come into force on Feb.19, 1992. Peaceful co-existence of both Koreas seems to be reality now. But the political agreements only in practice can get their real importance.

North Korea now is neither enemy nor »organisation hostile to the state« to the South, but a normal state. The human rights violations by the NSL are very serious. Most long-term prisoners are those insisting on their opinions about democracy and socialism, or those having confessed espionage activities under torture. Among them are some fishermen that got into North Korean territory during a ship accident.

Apart from the NSL there are more laws violating human rights. In the wake of demonstrations special demonstration laws were passed that allow trying even persons not directly connected to the use of a firebomb even months after the incident. A labor law outlawed two unions due to interference of third parties in a labor dispute. South Korea joined the ILO with a reservation against paragraphs 87 and 98 guaranteeing the right to form free unions. Many labor laws obstruct democratisation and human rights.

What benefits so far arise from reconciliation with North Korea ?

- Even if the Prime Minister goes there for a conference, a student writing a scientific text about socialism still will be indicted.

- The chairman of Chondaehyop (National Students Association) is sentenced to six years in prison (the prosecutor demanded even 12 years). Reason: two Chondaehyop representatives were sent to the Pan-National Rally.

- The death penalty was demanded for a worker who had founded a socialist organisation.

The situation in South Korea is contradictory: on the one hand a conference, on the other the freedom of speech is still suppressed. Under the NSL everybody is guilty who sticks to the socialist idea, writes about socialism, has contacts to North Korea or who organises independent democratic unions. These laws define North Korea as an enemy and as an organisation hostile to the state. Calls for democracy therefore are considered collaboration with the enemy. The NSL even threatens capital punishment and is still valid since 1948, though reconciliation with the North and simultaneous admission of both Koreas to the United Nations should prohibit that.

For the coming parliamentary elections, the DLP has a good chance for success due to its »Northern policies« and North-South negotiations. But a fusion of the opposition, a National Confederation, is also to be expected after long splits.

The National Security Law

----The Symbol of Korean Human Rights Adversity---

Park, Won Soon

1. Introduction

It has been a long time since many Korean human rights organisation began to assert that the number of prisoners of conscience under present Roh Tae Woo regime exceeded 1,500, more than that of its predecessor 5th Republic which was known as the most oppressive government.

Many foreigners outside the country believe that all the human rights problems in Korea were totally solved. They ask why the Koreans still make a fuss concerning human rights after the breakdown of the military dictatorship and the direct presidential election. It is true that the government elected directly by the people in 1987 have enjoyed the legitimacy and there have been some changes in authoritarian political structures.

However, direct-election and superficial appearances itself does not always guarantee real improvement and true reform towards democracy. A good looking apple may still be rotten at the core. If the present government had resolved to attain the goal of recovering democracy and improving the human rights situation, there might have been some progress to be achieved : First, the abolition of the notorious laws which have been used as main instruments to maintain the dictatorship. Second, democratic reform of the investigation authorities including the

horrible secret police agency (The National Security Planning Board). The third, re-examining of human rights abuse cases violated under previous regimes and prosecution, expulsion from the office against the involved in these cases.

But, to our great disappointment, we did not witness any attempt to make such progress. On the contrary, from the beginning the new government launched a crackdown operation over the democratic activists. The despotic laws survived. No agency was reformed. No one involved in human rights abuse cases was punished. It seems, in reality, nothing had changed. The number of political prisoners reflects exactly consequences of the deterioration of human rights standards under this regime. Despite the clear conclusion, the government has been indulged in disseminate the hypocritical propaganda that there is no such things as prisoner of conscience.

No one can deny the fact that the main reason for the worsening human rights situation is attributed to the National Security Law (NSL). The latest statistics show approximately a third of all political prisoners have been arrested on suspicion of violating this law. It indicates that the law stigmatised as the symbol of dictatorship is, until now, effectively used as a means to quash its people. The law is a child of the 'cold war' and has been thrived under the auspices of dictators. To maintain such a law reveals the absurd and contradictory nature of the human rights in Korea, regarding the recent progress, the fact that the harsh wall of 'cold war' have melted down and the trend of democracy have spread across all of the globe. It is impossible to comprehend out human rights problems in Korea without understanding this law. Without eliminating the law, it's

also impossible to go forward for the flowers of democracy and unification to bloom in this country.

2.The Historical Origin and the Process of Deterioration

The first step in understanding the NSL is an examination of the historical background; how, why and when it came into existence and how its present diabolic face was shaped.

Its origin goes back to the most tragic chapter in modern Korean history, the year of 1945, when Korea was liberated from Japanese colonial domination and divided into two countries, South and North, by the separate occupation of Russia and American troops. The first government established in August 1948, faced a threat not only from the Communist North but also the pro-communism organisation within its own territory; The isle of Cheju was occupied by rebels, the provinces of Honam and Youngnam also challenged the new-born government. The leftist guerilla had haunted all over the country. This critical situation gave birth to NSL in December 1948, even before the enactment of normal penal code.

This law prohibited such activities as creating the 'anti-state organisation' and the encouragement of such organisations. Even though we admit the urgent need of such legislation, it could lead to mass violation of human rights from the beginning. simple membership of a socialist organisation or accidental utterance in favor of the communists could be incriminated. In fact, just during one year, 1949, 118,621 persons including National Assembly members were punished and 132 political parties and

associations were dissolved.

Within a brief period, the government succeeded in squashing the rebels and in establishing stability with the aid of America. Notwithstanding the disappearance of original reasons for the legislation, all the successive dictators have widened and reinforced it continuously. Over more than 40 years, the law was revised 7 times. We can point out the characteristics of the changes as the following;

First, The law grew up from 6 articles in the beginning, to about 40 now. It means it has been strengthened out of political consideration.

Second, at first, the maximum penalty was life-long sentence. But afterwards it has been strengthened with more than 30 additional articles made it possible to use the death penalty. From this point of view, we are able to regard it as brutal.

Third, once Park Chung Hee regime appeared after a military coup d'etat enacted the 'Anti-Communist Law' besides the NSL in 1961. The Anti-Communist Law made it illegal to have contact not only with North Korea but all the communist countries and associations. In 1980, Chun's regime pretended to abolish this law, as they felt uneasy with progress in trade with communist countries. But almost all of the main articles remained as a part of the NSL.

Fourth, the aforementioned revision procedure was usually conducted in violation of the constitution. For example, the revision of the law in 1962 and in 1980 was accomplished by the military committee after the abrupt suspension of the parliament. On the other hand, the draft of the revised NSL in 1958 passed through the parliament with the unanimous approval

of the ruling party after 300 armed police dragged resisting members of the opposition parties out of the parliament building. For On just these reasons, the NSL must be seen as the by-product of the destruction of the constitution. It attracts no legality, legitimacy and consent from the people any point whatsoever.

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and social

3. The Reality of Application and Ordeal of Democracy.

academic

Und Despite the opposition and resistance of the people, the reason of indulgence of all the former regimes in strengthening this law is that it has been indispensable to maintaining discredited powers. The practical usage shows the law has been the most important means in suppressing the basic freedom of the people.

pur First of all, political dissents have been the main target of the law. A great number of citizens as well as political leaders challenged the regime have been dedicated to the bloody altar of this law. In 1958, Cho Bong Am, a presidential candidate belonging to the standing opposition party against the president Rhee Sung Man, received death penalty and was executed according to this law. Since then, Suh MIn Ho, KIm Chul, Kim Dae Jung, former leaders or presidential candidates of opposition groups could not be free from the law.

cit The students who demanded the reform of the corrupt social system and to lessen the sharp contrast between the classes have been sent to prison as a result of the law. Recently, as labour movement grew stronger, it became the practice to apply the law to the union leaders. Recent statistics continues to show that the

proportion of the arrested labourers by the law hold from a fourth to a third of all the political prisoners arrested under this law.

It is not difficult to come across such cases that authorities found fault with lectures given by professors, books issued by publishers, verses written by poets, and images illustrated by painters. In the view of the law, all communists and socialists whose activities are permitted in western countries or scholars and their books which have provided the academic with abundant nourishment should also be sent to prison. Under the present government, the men who published Karl Marx's 'Das Kaapital' and who possessed it were arrested. The list of authors of 'punished' books (It is ridiculous to say that books have been 'punished'. But it means that the authors, translators, publishers, and even book shop owners related the books have been punished) include famous intellectuals like Gramsi, Lucacci, E.H Carr, Bruce Cummings, Franz Fanon, Morris Dobb etc. If we collect all the cases indicted by the law in a book, it would be as interesting a comedy as Aesop's Fables.

These absurd cases have accumulated owing to the unreasonable logic that all the activities and expressions similar to those of North Korea must be regarded as benefiting North Korea. Because ten thousands of books, leaflets have already been branded as 'enemy benefiting documents', any labourer, student, and citizen likely to possess at least one of them ran the constant risk to be arrested. To arrest someone or not is up to the authorities.

With the growing numbers of the arrested, many Koreans don't hesitate to describe contemporary times as 'the heyday of NSL'.

In addition, they got to reach such a conclusion that the promise for democracy without abolition the law is inevitably false.

4. The limitations of the Recent Amendments

The present government, inaugurated with blue-prints towards democratic reforms, could not escape from the pressure of criticisms of the law. Furthermore, 'Northern Policy', the first priority given policy, which emphasize the improvement of relations with communist countries including North Korea, was also contradictory to the NSL.

We can hardly imagine the normalisation South -North relations and a peaceful unification policy without violating the law. The reason is that the law states the North to be an 'anti- state organisation', and it totally prohibits anyone from any contact with the North, or from praising it. Accordingly, declarations of president Roh Tae Woo on unification policy, and since then, the exchange of diplomats, businessmen, sportsmen, or direct trade had explicitly violated the NSL. Any such violations committed by government itself have never prosecuted, whereas, unauthorised contacts have been systematically punished. Condemnation ensued for the reason that such legal practice would destroy the principle of 'equality before the law.'

The government attempted to avoid the conflict and criticism by following;

The one was to feign with a little bit changes that it has already revised the 'cancer clause'. It was not until May 1991 that an amendment was passed without any legal discussion or vote

within the parliament. The opposition members were violently overridden. Such a brutal exercise of power was possible after the ruling party was transformed into absolute majority by absorbing two opposition parties in January 1990. The government began to spread propaganda both inside and outside of the country that it had revised the NSL in a democratic fashion and that it had therefore completed its initial pledge for democracy. But scrutinizing it makes us see that there are no real changes and it contains a few word changes. The main point of the revision is to impose a heavier burden on prosecutors to prove the intention of violators in a few clauses, for example, contacts with North Korea should be made 'with the intention of endangering the democratic order.' It is meaningless if we take it into consideration that the prosecutors or judges have had no interest in examining the 'intention', and on the contrary, the 'intention' of 'benefiting' have always been presumed without any proof. In fact, there have been no changes in the arrested number, the decision of prosecution, and the trial procedure after the amendment.

The other measure adopted by the government was to enact another law, 'the Law of Exchanges Between South and North'. It contains articles which permit contacts and trade between two Koreas with the authorization of the government. Under these self-contradictory legal system, the people could not but suffer from the ambiguity, confusion. We witnessed the 'double standard' that NSL have been applied only to the conduct of unfriendly persons to the government.

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5. The Law Having No Relations With National Security.

Every country has its own legal system designed to defend national security. It's true we can find limitations in human rights, or abuse cases like 'Spy Catcher Case' in Britain in the system. It's also needless to say such abuse cases are rare and the victims have finally been compensated in civilised countries.

Now, as far as the NSL concerned, it has been altered and applied to restrict the basic human rights in the name of 'national security'. It stipulates 'espionage' as only 'the person who spied out the secret'. In relation to the crime, the Korean Supreme Court has maintained an unchanged interpretation that it could be applied to revelation of "all the political, economic, and social information advantageous to enemy, and disadvantageous to us, even though they had already been well known to the public by newspapers." As to this opinion, whoever say information obtained during ordinary life can be persecuted as a spy. It's absolutely different from the legal system and practices of western countries which protect only the important military secrets.

The real danger which has justified the existence of the law has also disappeared. The report submitted to Parliament by the home ministry in October 1988 shows that the number of spies arrested sharply dropped and recently we can hardly find any spy sent by North Korea. Many specialists point out that not only economic but military power of the South far exceeds the North. It is also noteworthy that the real reason for active position of the North concerning bilateral dialogue can be explained by the hardship of economic circumstances and urgent need to reduce the

heavy burden of defence expenses. The recent non-aggression agreement and conciliation between the South and the North also deminishes the need for the law.

6. Infringement of the Constitution and the International Instruments

(1) The NSL Articles Infringing the Constitution.

First of all, the NSL conflicts with the Korean Constitution itself protecting all the basic freedom. The Constitution embraces freedom of religion, thoughts, and expression, freedom from torture and so on. It declares that the law can not trespass the essence of basic freedoms, even though it is necessary to regulate in terms of national security and public order. In that sense the Constitution is not inferior to that of any other country.

But the NSL makes the Constitution a decoration. The degradation have been undergone through the arbitrary interpretation of extremely abstract and ambiguous articles. The law ignores the most important principle of the modern penal code, 'nulla poena sine lege'. Especially, article 7, incriminating "all the persons who give benefit to anti-state organisation through praising, encouraging, sympathising, and other means", is a typical example. It fails to define the meaning of the legal terms, leaving it into the hands of police, prosecutor, and judge. We Koreans cite a proverb as saying "Attached to ears, it become a ear-ring, while attached to nose, it turns to a nose-ring", equivalent to this situation. itself

These troublesome clauses and management of NSL succeed in nullifying the basic freedom proclaimed by the Constitution.

(2)The Contradiction with the Common Standard of Human Rights
---NSL reviewed in terms of 'International Covenant On Civil and Political Rights'(I), European Convention for the Protection of Human Rights and Fundamental Freedom(II).---

After World War II which brought formidable disaster to mankind, it was imperative not to repeat the same experience and was natural that there was a collective endeavour to procure the legal system for human dignity and minimum human rights. International Covenant and European Convention can be classified as the basis of such efforts. Therefore, these two international instruments deserves to be considered as a barometer suggesting a basic standard of human rights. It will be interesting to compare NSL with these instruments.

1. NSL enabling to sentence death penalty in more than 30 clauses violates article 6 of I, article 2 of II protecting the inherent right to life and saying that "sentence of death may be imposed only for the most serious crimes".

2. Article 3 of NSL punishing " organising or joining the anti -state organisation" with conspicuously abstract terms, empowering the authorities to interpret the clause infinitely, violates article 22 of I, article 11 of II.

3. Article 6 of NSL describing visiting North Korea itself

as a crime without any other attempt to enter into another crime, violates article 12 of I guaranteeing the right "to leave any country and to enter his own country".

4. Article 7 of NSL, as mentioned, penalising the possession of certain thoughts, conscience, religious belief and expression of them, violates article 18 of I and article 9 of II (freedom of thoughts, conscience and religion), article 19 of I and article 10 of II (freedom of expression).

5. Article 8 of NSL prohibiting from meeting people from the North and communications itself without proceeding to further steps, violates of article 19(2) of I which protecting "the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of the art, or through any other media of his choice".

6. Article 10 of NSL compelling to inform the authorities of the knowledge about NSL related crime against one's own conscience violates article 18 of I and article 10 of II (freedom of conscience) including the freedom of silence.

7. Article 19 of NSL, differing from the Criminal Procedure Act, admitting delaying the terms of arrest until maximum 50 days under the custody of the investigation authorities, is likely to lead to inhuman or ill treatment and compulsory confession originated from long-term detention. It seems to violate article 7 of I and article 3 of II (Prohibition of

torture or cruel , inhuman or degrading treatment), article 9(3) of I and article 5(3) of II which ask anyone arrested or detained promptly shall be brought before a judge and entitled to trial within a reasonable time or to release (In addition to the long-term detention of investigation by the article of NSL, with the regulation of Criminal Procedure Act allowing the terms of first trial for 6 months), paragraph 'g' of article 14(3) of I protecting the right not to be compelled to confess guilt.

8.The bizarre inconsistency with which the same behaviour of contacts with the North, as mentioned, can be interpreted differently as to whether he or she is friendly to government or not, is clear violating article 25 of I and article 14 of II (the principle of 'equal before the law')

7.Conclusion

---The Solidarity and Strife Against the Law Violating Human Rights ---

We could conclude with the clear idea that the NSL has encroached upon the general principle, the common standard of human rights and the due process of the law in the name of national security. It proves that to take only one step toward democracy and reunification of Korea is impossible with the law entirely unchanged. The law will keep a number of students, workers and citizens in the endless procession to prison for the sole reason that they called for democracy and unification.

The European Parliament which hosts this hearings may be

located far from Korea. However, as far as human rights issues concerned, the distance became meaningless. The economic relationship between Korea and European countries, growing trade partners, would not enjoy the stable benefit without full realisation of democracy in Korea. Recent history has taught us that democracy and human rights can not be obtained except the solidarity and strife for them. I hope this hearing will be the starting point of such a movement.

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The Long-Term Political Prisoners:

Victims of the Division of the country

Though the government tries to create the impression the Cold War is over, it still strongly sticks to the »Cold War Ideology« of the NSL.

96 long-term prisoners convicted as spies under the anti-democratic, arbitrary NSL are still imprisoned. 60 are sentenced to lifetime imprisonment, i.e. jail until they die.

Imprisonment since:

Years	over 40	39-30	29-20	under 19	total
Figure	2	10	23	61	96

Longterm prisoners according to age:

age	over 70	69-60	59-50	49 and less	total
figure	10	38	26	22	96

(Source: Mingahyop Dec.1991)

The long-term prisoners jailed for espionage can be classified roughly into two groups:

1. The prisoners jailed for a very long time that came during the Korean War in the 1950's and 1960's from the North and are charged with espionage.

2. The second category are the »espionage cases« of the 1970's and 1980's that were constructed by massive torture during an illegal incommunicado detention of 30-118 days. The imprisoned are for instance student activists, students that studied abroad or came from Japan to Korea to study, fishermen that accidentally got into North Korean waters, persons with relatives in the North, or people that had contact with so-called »enemy of the state« organisations.

Though it is known that since the 1970's no more agents were channeled into South Korea from the North, there were still numerous »cover-ups« of espionage cases. This was in a remarkable connection to the social and political disaster and the resulting mass movements at home. To legitimize the power grip of the dictators and their security apparatus, they fabricated without any real evidence »spies«. The alleged »red danger« was one of the best repression instruments against any democratisation during the Cold War.

The most inhumane way of repression: lifelong solitary confinement without concessions

48 longterm prisoners are imprisoned in Daejon prison, notorious for its special torture command (thought conversion), because they vehemently refuse to admit the questionable accusations against them or give up their supposedly wrong ideology - despite massive torture. For these reasons, they are jailed in cells of about 2.1 sq.m., even though some of them suffer from cross-section paralysis or serious psychological disturbances.

Normally these prisoners have no chance to enjoy some benefits like prison work, participation in prison events, right to temporary leave, hospital treatment or reduced sentences. They are still in a most vicious way terrorised and tortured physically and psychically to break their will.

Other longterm prisoners that have »confessed« under massive torture are jailed in Taegu, Anchong, Choujou, and Kwangju. They may benefit from reduced sentences, depending on their behavior.

In our history these longterm prisoners have been those that have struggled under the yoke of Japanese colonialism against limitless exploitation and genocide of our people and after the war struggled for liberation and independence of the country.

Regarding the fact that North and South Korea now have joined the UN and the North-South dialogue, the anti-communism fueled and abused by the dictators should now be dismissed and all political prisoners be freed.

Examples:

* Lee Jong-Whan (70), life sentence, solitary confinement since 41 years, Dae-Jon prison

* Kim Sin-Myong (66), worker, solitary confinement since 41 years

* Kim Jung-Muk (49), fisherman, life sentence, jailed in Daegu prison since 10 years

In 1958, he lost the way in dense fog, captured by the North Koreans together with other fishermen, after 3 days in Pyongyang sent back to the South, 24 years later (1982) arrested under dictator Chun, 40 days illegally interrogated and tortured

* Kim Sung-Man, student, since 7 years in Dae-Jon prison, born in Seoul, 1975-1981 student at Yeon-Seh University. In August 1982 he went to the United States to study political science at Western Illinois University, arrested in 1985 by the Angibu.

Sentence: first the death penalty, transformed to a life sentence on Dec.21, 1988.

He is charged with espionage for his brief contact with the North Koreans during a visit to Europe. Kim rejected this charge until today. He said he had discussed with the North Koreans about a possible national reunification. For his activity in the student movement and friendships the founding of an organisation hostile to the state and an enemy-benefitting activity were constructed. During the illegal interrogations, he even had to write a farewell letter to his parents, formulated by his torturers, in order to hush up his possible death during the tortures.

* Yang Dong-Hwa (34), student, 1982 student at the Western Illinois University. Since 7 years he is jailed at Daejon Prison, arrested in 1985 by the Angibu.

His death sentence was transformed to life imprisonment on Dec.21, 1988. During his studies in the U.S. he briefly travelled to North Korea, when many Korean professors residing in the U.S. went there and later published a book about their visits. He was charged with having been trained as a spy during his visit to North Korea.

He was also charged for his contacts to the students and their organisations which were defined as »espionage activities hostile to the state«. During the tortures he was forced to write down informations he had to learn during his military service. These informations were used against him as disclosure of secret informations.

* Kang Yong-Joo (30), student of medicine, sentenced to life imprisonment, jailed since 7 years (E.H.). He was connected to the above-mentioned »student espionage case« and arrested in the same time. His charges are that he collaborated with »spy« Yang Dong-Hwa in »initiating demonstrations«. Before his arrest he was chairman of the student committee for the realization of democracy at the Faculty of Medicine at Chonman University.

An additional case an »espionage case of students in the U.S.« was fabricated during a time when anti-Americanism was increasing. The government tried by this fabricated case and the harsh sentences to portray the growing student movement as a red danger directed by North Korea. They intended to smash the South Korean student movement as well as the national democratic movement of students and other Koreans abroad.

Source: Mingahyop magazine July 1991
Report of the Human Rights Commission of the Evangelical Church in Germany

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