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# amnesty international

## REPUBLIC OF KOREA (SOUTH KOREA)

### Arrest of Buddhist Human Rights Activist

5 November 1996

AI INDEX: ASA 25/29/96  
DISTR: SC/CO/GR

1996 AI

Amnesty International believes that a prominent Buddhist activist may have been detained for his religious and human rights activities and for the non-violent exercise of his rights to freedom of expression and association. The arrest of Buddhist monk Jin-kwan has also generated concern among human rights activists and Buddhist groups in South Korea. National Security Law arrests have increased in recent months, due to an official crackdown on "leftist" groups and individuals.

Jin-kwan, aged 48, is a leader of the *Chogye* Buddhist order and Co-Chairman of the Buddhist Human Rights Committee. His recent human rights activities include a campaign on behalf of several imprisoned members of *Pomminnyon* (Pan National Alliance for Reunification of Korea) who have been adopted by Amnesty International as prisoners of conscience. He has also worked on behalf of three elderly former political prisoners who wish to join their families in North Korea. His recent religious activities include efforts to link the activities of Buddhist groups in South and North Korea. He is a regional Chairman of the National Alliance for Democracy and Unification of Korea (NADUK), a prominent citizens alliance which campaigns on democracy, reunification and human rights issues. He is also a supporter of Amnesty International's Korea Section.

Jin-kwan was arrested on the evening of 1 October by 20 officers of the Agency for National Security Planning (ANSP, South Korea's intelligence agency) for alleged pro-North Korean activities. He was taken to the agency's headquarters in Seoul where he was questioned intensively for 17 days. According to his lawyers, he was questioned for about 15 hours each day and was under considerable strain as a result of the long interrogation and pressure from his interrogators. On 18 October Jin-kwan was transferred to Seoul Detention Centre and the Prosecution began questioning him. At the time of writing he had not been charged.

During interrogation by the ANSP, officials are reported to have accused Jin-kwan of supporting North Korea through a number of activities. These included joining the organization *Pomminnyon* and campaigning for three former long-term prisoners who wish to return to North Korea. He was also accused of communicating with Buddhists in North

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Korea and of relaying "state secrets" to a Korean resident in Canada and two North Koreans he met on a visit to Beijing. The "state secrets" in question are said to have included newspaper cuttings and information about religious and human rights groups in South Korea.

The National Security Law provides long prison terms for people who have unauthorized contacts with North Koreans and pass on "state secrets". In some cases the courts have defined a "state secret" as information which is publicly available in South Korea. Several hundred people have been arrested under the National Security Law during 1996 and arrests have increased in recent months.

*Please send faxes/express and airmail letters in English, Korean or your own language:*

- expressing concern that Jin-kwan may have been detained solely for his religious and human rights activities and for the non-violent exercise of his rights to freedom of expression and association;
- calling for the release of Jin-kwan if he is detained solely for these activities;
- calling for the National Security Law to be amended so that the rights to freedom of expression and association are respected, in accordance with international standards.

*Please send 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)*

**Mr Ahn Woo-man, Minister of Justice**

Ministry of Justice

1 Chungang-dong

Kwachon-myon

Shihung-gun, Kyonggi Province

Republic of Korea

Fax: +82 2 504 3337

*(Salutation: Dear Minister)*

*Copies to:* diplomatic representatives of the Republic of Korea (South Korea) in your country.

This document is sent to KOTARAN coordinators for action by groups. It is sent to sections for information only. Check with the East Asia Sub-Regional Team if sending appeals after 1 December 1996.

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

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# amnesty international

## REPUBLIC OF KOREA (SOUTH KOREA) Mass ill-treatment of students in August 1996

November 1996

SUMMARY

AI INDEX: ASA 25/26/96

DISTR: SC/CO/GR

In the space of one week in August 1996, at the time of a violent confrontation between students and riot policemen on the campus of Yonsei University, over 5800 students were arrested and taken to police stations throughout Seoul. There were widespread reports of beatings, threats and sexual harassment in the course of arrest and interrogation.

This report contains a summary of Amnesty International's findings in relation to the incident. It is based on information collected by the organization when it visited Seoul, in September 1996. It also uses information compiled by human rights groups in South Korea and media reports.

Amnesty International is concerned that large numbers of students were subjected to widespread and systematic ill-treatment by police. The organization does not condone the use of violence by student protesters, but believes this was no justification for police ill-treatment.

The police's action showed a clear lack of discipline and a need for training procedures to be reviewed. Through its failure to condemn the police action, the South Korean Government appears to have condoned the beatings and other forms of ill-treatment inflicted on students. It appears to have used the incident as a pretext for a new crackdown against alleged leftist groups

**KEYWORDS:** STUDENTS1 / TORTURE/ILL-TREATMENT1 / POLICE1 / MASS ARREST / SEXUAL HARASSMENT / INCOMMUNICADO DETENTION / ILL-HEALTH / BANNING / CIVIL UNREST / DEMONSTRATIONS / VIOLENCE / WOMEN / CONFESSIONS / PRISONERS' TESTIMONIES / PHOTOGRAPHS /

This report summarizes a 7-page document (2925 words): *Republic of Korea (South Korea) Mass ill-treatment of students in August 1996* (AI Index: ASA 25/26/96) issued by Amnesty International in November 1996. 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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**amnesty international**

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**REPUBLIC OF KOREA  
(SOUTH KOREA)  
Mass ill-treatment of students  
in August 1996**



Riot police entering Yonsei University. (c) Mahl Magazine.

November 1996  
AI Index: ASA 25/26/96  
Distr: SC/CO/GR

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

# REPUBLIC OF KOREA (SOUTH KOREA)

## Mass ill-treatment of students in August 1996

### *Summary of report and its findings*

This report is about the ill-treatment of students by the police which occurred in August 1996, at the time of a violent confrontation between students and riot policemen on the campus of Yonsei University. In the space of one week over 5800 students were arrested and taken to police stations throughout Seoul. There were widespread reports of beatings, threats and sexual harassment in the course of arrest and interrogation.

This report contains a summary of Amnesty International's findings in relation to the incident. It is based on information collected by the organization when it visited Seoul, in September 1996. It also uses information compiled by human rights groups in South Korea and media reports.

Amnesty International is concerned that large numbers of students were subjected to widespread and systematic ill-treatment by police, most of which occurred between 12 and 22 August 1996. The organization does not condone the use of violence by student protesters, but believes this was no justification for police ill-treatment. Some of the most serious beatings were meted out to defenceless students in the course of arrest and interrogation. Some beatings were inflicted on innocent bystanders.

The police's action showed a clear lack of discipline and a need for training procedures to be reviewed. Through its failure to condemn the police action, the South Korean Government appears to have condoned the beatings and other forms of ill-treatment inflicted on students.

The government was quick to blame the students for the incident, labelling their activities as "pro-North Korean" and "communist". Furthermore, it appears to have used the incident as a pretext for a new crackdown against alleged leftist groups and as an excuse for increasing the powers of the police and intelligence agency, the Agency for National Security Planning (ANSP).

This incident occurred one-and-a-half years after the government ratified the United Nations Convention against Torture (CAT). When a state ratifies the CAT, it pledges itself to take measures to ensure that torture and ill-treatment do not occur. In this case, the South Korean Government appears to have taken its responsibilities lightly.<sup>1</sup>

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<sup>1</sup> For further information about Amnesty International's reaction to this incident, see Urgent Actions of 20 August (AI Index: ASA 25/19/96) and 22 August (AI Index: ASA 25/21/96) and report entitled *Reported ill-treatment of students* (AI Index: ASA 25/23/96) of 3 September 1996.

### Background information about the demonstration

Violence between police and students erupted when government authorities banned a student rally at Yonsei University, on the grounds that it was pro-North Korean. The rally had been organized by *Hanchongryon* (the national federation of student councils) to mark the 15 August anniversary of Korea's liberation from Japanese rule.

The students said that the rally would be peaceful, if the authorities allowed it to take place. Similar student events are held each year in August and are sometimes banned by the authorities. The students were demanding reunification with North Korea, the abolition of the National Security Law and the withdrawal of 37,000 US troops from South Korea. Their demands are unpalatable to the South Korean authorities because they are seen to be similar to those made by the North Korean Government.

*Hanchongryon* leaders defied the ban and went ahead with the festival. The authorities responded by sending thousands of riot policemen to break it up. Hundreds of students and policemen were injured during a week of violence and one policeman died.

### Police action during the demonstration

Between 10 and 20 August the authorities deployed around 20,000 policemen in the area around the campus. The student rally started on 13 August and police moved in to halt their activities. Violence ensued, with the police using batons and tear gas, while some of the students threw fire bombs, used metal piles and threw stones and rocks.



A student demonstrator is arrested. (c) National Federation of Student Journalists

Amnesty International does not condone the use of violence by students. But in many respects the police action was excessive and resulted in human rights violations. Police used 12 helicopters to drop a huge amount of tear gas onto the campus. According to some estimates, the police dropped over 1000 canisters of tear gas on the campus each day. A medical student told Amnesty International that every day hundreds of students sustained skin blisters as a result of exposure to tear gas and that dozens of others needed treatment for more serious burns, after being hit at close range.

From 15 August police entered the campus and the students retreated into two buildings: the science block and an administration building. The police blocked all exits and arrested any student who tried to leave. From 17 August the police refused to allow the delivery of food and medicine for injured students. Many of the students became exhausted

through lack of food. On 19 August the water supply was cut off, causing students to suffer from dehydration and increasing the risks of infection and diarrhoea. In some cases the authorities refused to allow ambulances to enter Yonsei University to transport injured students to hospital.

### Ill-treatment during arrest and interrogation

On 20 August riot policemen stormed the campus and arrested thousands of students who were briefly detained in local schools and then taken to over 30 police stations throughout Seoul.

Amnesty International received numerous reports that students were beaten during arrest. Reports of ill-treatment were received from eye-witnesses and victims themselves. In some cases policemen are reported to have stolen items of value from student detainees. Female students reported that police had touched their breasts and other parts of their bodies, shouted insults and threatened to rape them. Male and female students were hit by police with batons, kicked and threatened.



Students are forced to kneel on the ground after arrest. (c) Muhl Magazine.

Students were also systematically ill-treated during interrogation at police stations throughout Seoul. Most were forced to sit or kneel in the same position for several hours without a break and some were beaten and threatened during interrogation sessions. Most were not allowed to telephone their families and were not allowed to see their families or a lawyers until their release, up to 48 hours later. Many were forced to write a statement of "confession".

Students who appeared to be seriously injured were taken to a police hospital for treatment. Those with less serious or less obvious injuries were taken to police stations and received no medical attention until their release, some 48 hours later. One injured student told Amnesty International that he had received no medical attention at a police station, in spite of repeated requests for help.

The number of students who were ill-treated is unknown. However, on the basis of testimonies and eye-witness accounts, the abuse appears to have been widespread. A group of human rights activists in South Korea interviewed a random selection of over 100 students, the majority of whom reported that they were subjected to some or all of the abuses



listed above. Out of 70 female students interviewed by the group, 41 said they had been subjected to sexual harassment during arrest.

The treatment of female students has led to calls for an inquiry by womens' groups and by members of the National Congress for New Politics (NCNP, the main opposition party). On 10 October NCNP politician Choo Mi-ae was reportedly heckled and booed by members of the ruling New Korea Party (NKP) after she suggested to the National Assembly that it should form a committee of inquiry into the reported sexual harassment of female students. A spokesman for the NKP issued a statement criticising her description of the sexual harassment and supporting police efforts in this incident.

The following accounts were related to Amnesty International by a cross-section of students who were detained by the police.<sup>2</sup>

Mr Kim of Korea National University of Education was on the roof of the administration building when he was arrested on 20 August. He said that policemen ordered a number of students to remove items of value, including expensive watches, which were confiscated and reportedly not returned. The students were then told to walk down the staircase to the ground floor. Policemen stood on either side of the staircase and hit the students with batons as they descended. When they reached the ground floor they were handcuffed and were again beaten as they were escorted to police buses. Mr Kim was taken to Kangnung police station where he was interviewed for two hours. During interrogation he was beaten when he denied having used firebombs or steel pipes. At one point police made him stand on his head for ten minutes, in an attempt to force him to make a "confession". He was released without charge, less than 48 hours after his arrest.

Mr Soh of Seoul National University was on the roof of the administration building on 20 August when he was hit by something which he believes was thrown from a police helicopter. It caused a serious injury to his foot. In spite of his injury he was handcuffed along with other students and forced to walk to a police bus. He was taken to Dongbu Police Station where he asked for medical attention, which was refused. Instead, a policeman attempted to bandage his foot, in an effort to stop the bleeding. He and other students were forced to kneel on the floor with their heads lowered for several hours. Any student who tried to sleep or who raised his head was hit. When he was released, on 22 August, Mr Soh went to Suwon Hospital where he underwent surgery. He had a hairline fracture and part of his shoe and sock had become embedded in his foot. The exact cause of his injury is unknown.

<sup>2</sup> Some students told Amnesty International that they did not wish their full names to be used, in order to protect their privacy. For this reason, the full names of students detained in this case are not given in this report.

When she was arrested on 20 August, Ms Kim was on the fifth floor of the administration building. There were other female students with her and they were told to walk down the stairs to the ground floor. Police stood on either side of the staircase and grabbed at the womens' breasts and other parts of their bodies as they descended the stairs. The students were also beaten as they were put into a police bus and taken to Tongdaemun Police Station. Inside the bus, policemen were abusive and threatening, making insults of a sexual nature. Ms Kim was released without charge the following morning.



A student is arrested. (c) Mahl Magazine

Mr Lee of Yonsei University was arrested on 20 August as he tried to escape from the campus. He and other students were beaten as they were transported by bus to Kwanak Police Station. At the police station he was forced to kneel with his head lowered for six hours and was then questioned for several hours. During interrogation he was told to make a confession and was beaten when he refused to do so. On the second day of his detention he and other students were forced kneel with their heads lowered all day. At one point he and other students had to stay in this position for four hours without a break. He was released 47 hours after his arrest.

Some of those detained had no connection with the demonstration. They were arrested and interrogated because they were students and because they were walking in the area of Yonsei University between 12 and 20 August.

Mr Im of Korea University was arrested on 15 August near the university, on his way to a part-time teaching job. As he walked along, police stopped him twice and asked to see his identity card. He was in a hurry and on the second occasion he refused to show the card. He was then detained by six policemen who forced him into a car. When he protested, he was hit with a baton on his shoulders and back. The police refused to say where he was being taken. He was then taken to Sudaemun Police Station where he was interrogated from 11pm until 4am the following morning. He was beaten when he tried to exercise his right to remain silent. One policeman said "only reds [communists] exercise their right to remain silent". He was interrogated again the following day and this time he decided to answer questions. He made the following statement: "I exercised my right to silence and for this reason I was beaten". He noticed that the police did not include this statement on their investigation report, and when he mentioned this they beat him again. He

was released 47 hours after his arrest and went to see a doctor. He needed two weeks' of medication to recover from his injuries.

Mr Lee was arrested on 16 August as he was waiting for a bus in the area of Yonsei University. He had been returning home from a part-time job and appears to have been detained solely because he was a student. When he protested he was beaten and dragged to a police bus. One policeman hit him on the head with a baton, causing him to bleed. He was also beaten in the police bus. He was taken to Sudaemun Police Station where he continued to protest that he had not been involved in the demonstration. In spite of his head injury, he received no medical attention at the police station. When he was released, some 45 hours later, he went to hospital where he needed stitches for his head injury.

Ms Cha of Yonsei University was arrested at 6pm on 18 August as she was walking home with a friend. Police stopped her and asked to see her identity card, which she showed. She appears to have been arrested solely because she was a student of Yonsei University. She was put into a police bus and taken to a primary school where she was held until around midnight. She was not allowed to telephone her family. Then she was taken to Dongbu Police Station. As she and other female students entered the police bus, policemen grabbed at their breasts and shouted insults such as "only ugly girls take part in demonstrations" and other insults of a sexual nature.

### **Prosecutions**

The majority of students were released without charge. Over 440 students were charged for involvement in violence and 38 were additionally charged under the National Security Law for leading an organization which "benefits" the enemy (North Korea). According to the prosecution this is the largest number of indictments for one single incident ever recorded. A small number of students were also charged with causing the death of a riot policeman.

### **Government Reaction**

The authorities prohibited the demonstration, although the students had agreed to demonstrate peacefully and the government labelled the students as "pro North Korean and "communist". These factors, together with the huge show of force by riot policemen, served as catalysts for a violent confrontation which resulted in serious injuries (including one death) and mass human rights violations.

The South Korean Government has failed to accept responsibility for the escalation of violence in this incident and the human rights violations which occurred. Through its failure to condemn the police action, the government appears to have condoned the beatings and other forms of ill-treatment inflicted on students.

The government has assigned responsibility for this incident to the students. On 21 August President Kim Young-sam is reported to have told university presidents: "I will never tolerate radical students adhering to communism and will deal sternly with anachronistic pro-North Korean forces". He urged the universities to ensure that students receive the proper ideological education.

Shortly after the demonstration, the government announced plans to amend the Law on Assembly and Demonstration, making it more difficult for students and other groups to hold a demonstration. The proposed amendment would require any person planning a demonstration to obtain prior permission from the owner of the building or land he intends to use for the demonstration. The government also announced that it would introduce legislation to strengthen the powers of the Agency for National Security Planning (ANSP), as a means of countering the growth of "leftist" and "pro-North Korean" groups. The police announced plans to introduce better weapons to combat student demonstrators.

Amnesty International is concerned that these are repressive measures which may lead to further human rights violations and further curbs on the rights to freedom of expression and association.

### **Amnesty International's recommendations**

Amnesty International urges the government to do the following:

- order an independent inquiry into the human rights violations which occurred in this incident and publish its findings;
- ensure that those found responsible for human rights violations in this case are brought to justice and that victims receive compensation;
- review and improve the human rights training of all law enforcement personnel responsible for the arrest and interrogation of detainees;
- ensure that students and others who wish to demonstrate peacefully are able to do so, in accordance with their rights to freedom of expression and association.

**AMNESTY INTERNATIONAL: NEWS RELEASE**

AI INDEX: ASA 25/28/96  
1 NOVEMBER 1996

**REPUBLIC OF KOREA (SOUTH KOREA): MASS ILL-TREATMENT OF STUDENTS IN AUGUST HERALDS NEW CRACKDOWN ON LEFTISTS**

The demonstration at Yonsei University in August 1996 -- which resulted in the arrest of 5,800 students -- should not be used as a pretext to crackdown on so-called leftist groups, Amnesty International said in a report released today, after a recent fact-finding mission.

According to Amnesty International's report, police in South Korea were responsible for widespread and systematic ill-treatment after the students were arrested. Government statements since August have led to a climate of intolerance against people with left-wing views.

It is alarming that the number of political prisoners has escalated in recent months as the authorities try to stamp out left-wing thought, Amnesty International said as it called for the immediate release of all those detained for non-violent offences.

The government should accept its share of responsibility for the escalation of violence at Yonsei University and the resulting human rights violations. It should set up an independent investigation into allegations of ill-treatment and publish its findings -- it should also set up a review of police training.

Students detained in August told Amnesty International that they were hit with batons and kicked by police as they were arrested. Female students said that police had grabbed their breasts and other parts of their bodies, and shouted sexual insults. Some students who had no connection with the demonstration were detained and beaten in areas around the campus: their only crime was to be in the wrong place at the wrong time.

At Seoul police stations students were forced to sit or kneel in the same position for hours. Some were beaten during police interrogation where they were forced to write a confession. Most were not allowed to telephone their families and some injured students received no medical attention.

Amnesty International is urging the United Nations Committee against Torture to take up the ill-treatment of students when it examines South Korea's initial report under the Convention against Torture, in two weeks' time.

Amnesty International is opposing government plans to increase the investigative powers of the Agency for National Security Planning (ANSP), without effective safeguards to prevent the agency for committing human rights violations against detainees. The government says the ANSP needs more power to combat an escalation of alleged pro-North Korean activities by students and others.

"If the government has extra resources, these should be invested in preventing human rights violations instead of creating new ones," Amnesty International said. **ENDS\**

**Issued by: Amnesty International, 1 Easton Street, London WC1X 8DJ, United Kingdom.**

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Issued by: Amnesty International, 1 Easton Street, London WC1X 8DJ, United Kingdom.

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News Service 201/96

AI INDEX: ASA 25/28/96  
31 OCTOBER 1996

**REPUBLIC OF KOREA (SOUTH KOREA): MASS ILL-TREATMENT OF STUDENTS IN AUGUST HERALDS NEW CRACKDOWN ON "LEFTISTS"**

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# amnesty international

## REPUBLIC OF KOREA (SOUTH KOREA)

### Summary of concerns on torture and ill-treatment

October 1996

SUMMARY

AI INDEX: ASA 25/25/96

DISTR: SC/CO/GR

In November 1996 the United Nations Committee against Torture will examine South Korea's Initial Report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). To assist the Committee, Amnesty International has prepared this summary of its current concerns about torture and ill-treatment in the Republic of Korea (South Korea). Further information may be obtained from documents listed in the Appendix of this document.

This report gives some recent examples of torture and ill-treatment. It explains how current procedures for arrest and interrogation facilitate the use of torture and ill-treatment and highlights the inadequacy of current remedies.

Torture and ill-treatment are prohibited by the South Korean Constitution and other domestic laws and since the late 1980s, the South Korean authorities have taken some steps to prevent its occurrence. But in practice the legislative, administrative, judicial and other measures in place have not been effective in preventing it. Changes are urgently needed in practices related to pre-trial detention, training of law enforcement officers and in the traditionally heavy reliance by police and judicial officials on confessions obtained during interrogation. There needs to be a more effective system for investigating complaints and reports of torture and ill-treatment and for compensating victims. The South Korean Government should make a declaration under Article 22 of the Convention against Torture, recognizing the competence of the Committee against Torture to receive individual complaints.

**KEYWORDS:** TORTURE/ILL-TREATMENT1 / INCOMMUNICADO DETENTION1 /  
CONFESSIONS / IMPUNITY / SEXUAL HARASSMENT / PRISON CONDITIONS / LONG-  
TERM IMPRISONMENT / POLITICAL PRISONERS / STUDENTS / TEACHERS /  
ACADEMICS / WOMEN / PREGNANCY / AGED / POLICE / CIVIL UNREST / ESPIONAGE /  
UN CONVENTION AGAINST TORTURE /

This report summarizes an 14-page document (6554 words): Republic of Korea (South Korea) *Summary of concerns on torture and ill-treatment* (AI Index: ASA 25/25/96) issued by Amnesty International in October 1996. Anyone wishing further details or to take action on this issue should consult the full document.

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**amnesty international**

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# REPUBLIC OF KOREA (SOUTH KOREA)

## Summary of Concerns on Torture and Ill-Treatment

### 1) Introduction

In November 1996 the United Nations Committee against Torture will examine South Korea's Initial Report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). In its report the South Korean Government describes the measures it has taken to give effect to its obligations under the Convention against Torture. To assist the Committee, Amnesty International has prepared this summary of its current concerns about torture and ill-treatment in the Republic of Korea (South Korea). Further information may be obtained from documents listed in the Appendix of this document.

Torture and ill-treatment are prohibited by the South Korean Constitution and other domestic laws.<sup>1</sup> Since the late 1980s the South Korean authorities have taken a number of measures to prevent the occurrence of torture. Generally political prisoners now have access to their lawyers earlier; a small number of police officers have been prosecuted and tried for torturing detainees; and there have been cases in which the courts have ruled that confessions obtained under duress during interrogation were inadmissible as evidence at trial.

In practice, however, legislative, administrative, judicial and other measures in place have not been effective in preventing torture and ill-treatment. Amnesty International believes that changes are urgently needed in pre-trial detention practices, training of law enforcement officers and in the traditionally heavy reliance by police and judicial officials on confessions obtained during interrogation. There needs to be a more effective system for investigating complaints and reports of torture and ill-treatment and for compensating victims. The South Korean Government should make a declaration under Article 22 of the Convention against Torture, recognizing the competence of the Committee against Torture to consider individual complaints.

### 2) Torture and Ill-treatment by the Police

#### *a) Summary of concern*

The use of sleep deprivation and threats during police interrogation appear to be routine. In most cases of arrest for political offences reported to Amnesty International, detainees are only allowed to sleep for a few hours each night. They are generally subjected to

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<sup>1</sup> Article 12(2) of the Constitution of the Republic of Korea: No citizen shall be tortured or compelled to testify against himself in criminal cases.

unreasonably long sessions of questioning, without the presence of lawyers, during which they are often threatened. In some cases detainees are also beaten. According to information available to Amnesty International, in political cases ill-treatment appears to be inflicted with the aim of obtaining confessions.

**b) Example: arrests of students in August 1996**

Over 5800 South Korean students were arrested between 12 and 22 August 1996 following a violent confrontation with riot police on the campus of Yonsei University in Seoul. On the basis of reports and testimonies gathered by Amnesty International and other human rights groups, human rights violations in the course of arrest and interrogation appear to have been widespread. These included beatings, threats, and sexual assault.

Amnesty International does not condone the use of violence by students. But in many respects it believes the police action was excessive and resulted in human rights violations. From 12 August the police deployed over 20,000 officers at Yonsei University and from 15 August they sealed off part of the campus, blocking the delivery of food and arresting any student who tried to leave. An average 1000 tear gas canisters were dropped each day on the campus by helicopter. Thousands of students who were trapped on the campus suffered from skin blisters as a result of exposure to tear gas, some sustaining more serious burns.

On 20 August the police stormed onto the campus and arrested over 3000 students. Amnesty International received numerous reports that students were beaten during arrest. Reports of ill-treatment were received from eye-witnesses and victims themselves. Many female students told human rights groups that they had been ill-treated in a sexual manner. They said that police had touched their breasts, shouted insults of a sexual nature and threatened to rape them. Many male and female students said they were hit by police with batons, kicked and threatened.

According to reports received by Amnesty International, students were also systematically ill-treated while they were held at police stations throughout Seoul. Most were forced to sit or kneel in the same position for several hours without a break and some were beaten and threatened during interrogation sessions. Most were not allowed to telephone their families and were not allowed to see their families or a lawyer until their release, up to 48 hours after arrest. Many were forced to write a statement of "confession".

Students who appeared to be seriously injured were taken to a police hospital for treatment. Those with less serious or less obvious injuries were taken to police stations and received no medical attention until their release, some 48 hours later. One injured student told Amnesty International that he had received no medical attention at a police station in spite of repeated requests for help. When he was released he went to hospital where he underwent surgery for an injury to his foot.

Some of those detained had no apparent connection with the demonstration and had simply been walking in the area surrounding the campus. They were also placed in police buses

and beaten. One such student told Amnesty International he needed two weeks' medication to recover from bruising and back pain he sustained as a result of beatings by the police.

The number of students who were ill-treated is unknown. However, on the basis of testimonies and eye-witness accounts, the abuse appears to have been widespread. A group of human rights activists in South Korea interviewed a random selection of over 100 students, the majority of whom reported that they were subjected to some or all of the abuses listed above. Out of 70 female students interviewed by the group, 41 said they had been subjected to sexual harassment during arrest. The following accounts were related to Amnesty International by students who were detained by the police.

Mr Im was arrested on 15 August near to the university, on his way to a part-time teaching job.<sup>2</sup> As he walked along, police stopped him twice and asked to see his identity card. He was in a hurry and on the second occasion he refused to show the card. He was then detained by six policemen who forced him into a car. When he protested, he was hit with a baton on his shoulders and back. The police refused to say where he was being taken. He was taken to Sudaemun Police Station where he was interrogated from 11pm until 4am the following morning. He was beaten when he tried to exercise his right to remain silent. One policeman said "only reds exercise their right to remain silent". He was interrogated again the following day and this time he decided to answer questions. He made the following statement: "I exercised my right to silence and for this reason I was beaten". He noticed that the police did not include this statement on their investigation report, and when he mentioned this, they beat him again. He was released without charge 47 hours after his arrest and went to see a doctor. He needed two weeks' of medication to recover from his injuries.

When she was arrested on 20 August, Ms Kim was on the fifth floor of the administration building at Yonsei University. There were other female students with her and they were told to walk down the stairs to the ground floor. Police stood on either side of the staircase and grabbed at the womens' breasts and other parts of their bodies as they descended the stairs. The students were also beaten as they were put into a police bus and taken to Tongdaemun Police Station. Inside the bus, policemen were abusive and threatening, making insults of a sexual nature. Ms Kim was released without charge the following morning.

Mr Kim was on the roof of the administration building when he was arrested on 20 August. He and other students were then told to walk down the staircase to the ground floor. Policemen stood on either side of the staircase and hit the students with batons as they descended. When they reached the ground floor they were handcuffed and were again beaten as they were escorted to police buses. Mr Kim was taken to Kangnung police station where he was interviewed for two hours. During interrogation he was beaten when he denied having used

<sup>2</sup> Some students told Amnesty International that they did not wish their full names to be used, in order to protect their privacy. For this reason, the full names of students detained in this case are not given in this report.

firebombs or steel pipes. At one point police made him stand on his head for ten minutes, in an attempt to make him say that he had used firebombs and steel pipes. He was released without charge, less than 48 hours after his arrest.<sup>3</sup>

### 3) Torture and ill-treatment by the Agency for National Security Planning (ANSP)

#### a) Summary of concern

In September 1996 the South Korean Government announced plans to strengthen the role and powers of the Agency for National Security Planning (ANSP). Amnesty International is concerned that increasing the powers of this agency, which has been responsible for human rights violations in the past, may lead to further human rights violations.

The ANSP has for decades been responsible for the investigation of many people suspected of national security offences and it has committed numerous human rights violations, including torture and ill-treatment. In January 1994, the role and powers of the ANSP were restricted by law with the passing of an amendment to the National Security Planning Agency Act (ANSP Act).<sup>4</sup> The reasons for the amendments included the need to ensure the Agency's political neutrality and to strengthen the control over it by the legislature.

The 1994 revision introduced two new provisions prohibiting ANSP officials from violating the rights of detainees. Officials were required to observe legal procedures for the investigation of offences and to notify detainees of their rights.<sup>5</sup> The revised act also removed from the ANSP the power to investigate offences under Article 7 of the National Security Law (praising, encouraging and siding with an "anti-state" organisation) and Article 10 of the same law (failing to report to the authorities a person who has violated specified offences under the National Security Law).

<sup>3</sup> For further information, including student testimonies, please refer to *Mass ill-treatment of students in August 1996* (AI Index: ASA 25/26/96), published by Amnesty International in October 1996.

<sup>4</sup> The ANSP Act was amended in December 1993. The amended law came into effect in January 1994.

<sup>5</sup> Article 11(1) of the ANSP Act prohibits members of the ANSP from "abusing their authority by arresting or confining a person without following the procedures specified in law or compelling other organizations or persons to perform a duty beyond the scope of their position or which hinders the exercise of a person's rights". Article 11(2) requires members of the ANSP to observe the legal procedures for the investigation of offences, including notification of the right to a lawyer and the right to see a medical doctor.

However, the ANSP has continued to have, and exercise, the power to investigate offences under other articles of the National Security Law and to interrogate suspects. Although the number of arrests carried out by the ANSP has decreased since 1994, Amnesty International has received reports which indicate that the agency has continued to be responsible for serious human rights violations committed against detainees.

In September 1996 the South Korean Government announced plans to strengthen the role and powers of the ANSP, restoring its rights to investigate cases of people held under Articles 7 and 10 of the National Security Law. Since the majority of people arrested under the National Security Law are held under Article 7, the proposed amendment would give the ANSP powers to investigate cases of most detainees held under the National Security Law. Given the ANSP's poor human rights record, this proposal is of deep concern to Amnesty International.

Descriptions of two cases of alleged ill-treatment by the ANSP follow.<sup>6</sup>

#### b) Example: the case of Park Chung-ryol

Park Chung-ryol, Deputy Chairman of the National Alliance for Democracy and Unification of Korea (NADUK), was arrested at 2.30am on 15 November 1995 by the ANSP. Officials identified themselves and showed him an arrest warrant but they did not allow him to read the warrant and did not tell him the reason for his arrest. He was taken to Socho Police Station where he signed a document which apparently recorded that he was detained there. However, he said he was then taken to the ANSP's interrogation facility at Naekukdong where he was held and questioned for the next 21 days.

Park Chung-ryol told Amnesty International that when interrogation started he was told of his right to remain silent and his right to see a lawyer, but officials started to hit him immediately after they had said this. In practice throughout the period of interrogation by the ANSP he was not permitted to exercise his right to remain silent. He said that he was not permitted to contact his lawyer or family, but they found out where he was being held and in the afternoon of 15 November he saw a lawyer. After this he was allowed to see a lawyer for ten minutes each day, except for a three-day period when he was denied access. He was permitted to see his family on two occasions throughout the period of interrogation by the ANSP.

Park Chung-ryol said that each day he was questioned in a small room by a team of about 15 people who tried to make him "confess" that he had spied for North Korea.

<sup>6</sup> For information about other cases of alleged ill-treatment by the ANSP, see: *International standards, law and practice: the need for human rights reform* (AI Index: ASA 25/25/96), published in November 1995.

Questioning would start in the early morning and continue until late evening. In a 24-hour period he was allowed to sleep for less than one hour, usually in the morning. After this he was deprived of sleep and interrogators would pull his hair and pour cold water over him if he tried to sleep. Each day he was forced to wash and shower in cold water for almost one hour. He was often beaten and forced to stay in the same position for several hours (for example, he was forced to kneel down and hold a chair above his head).

For a three-day period, between 30 November and 3 December, he said he was taken to places outside Seoul, including two burial places and a mountain area where the officials told him to look for a radio transmitter they said that he had hidden. During these three days he was severely beaten by about 20 officials who also threatened to kill him unless he said that he had joined the Workers Party of [North] Korea. On one occasion he was stripped and forced to stand in the cold for about five hours. During this three day period he was denied all access to his lawyer.

After 21 days he was sent to Seoul Detention Centre. There, he faced 30 days' questioning by the Prosecution before charges were laid. He said that he was threatened and intimidated by the Prosecution during daily interrogation sessions which lasted from mid-morning until late evening.

Although he had been questioned in relation to espionage, he was actually charged under Article 7 of the National Security Law for "praising" and "benefitting" North Korea. On 12 July 1996 he was acquitted of all charges against him and released. In September 1996 Park Chung-ryol told Amnesty International that he had made a formal complaint about his treatment but had received no response from the authorities.

#### **c) Example: the case of Professor Park Chang-hee**

Professor Park Chang-hee, aged 63, was arrested at midnight on 26 April 1995 by some 20 ANSP officers. The officers carrying out the arrest identified themselves but 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 Park Chang-hee was not there. In fact, Park Chang-hee was held at the ANSP interrogation facility at Namsan but the family were not informed of this fact until three days after his arrest. According to information available to Amnesty International it is alleged that the following occurred while he was held in custody by the ANSP.

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. In an apparent attempt to break his will, investigators showed him a suicide note which had been written by one of his children who had committed suicide. His other children had never

shown him this note, fearing he would blame himself for the tragedy. Under such pressure, he signed several statements admitting to charges of espionage.

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 beaten for several hours by investigators. On 8 June Park Chang-hee made a formal complaint about his treatment but by September 1996 he had received no response from the authorities. Park Chang-hee was charged with espionage and sentenced to seven years' imprisonment. His sentence was reduced to three-and-a-half years on appeal to the High Court in February 1996 after some of the charges were dropped.

## **4) Current Procedures which Facilitate Torture and Ill-treatment**

### **a) Arrest procedures**

Although arresting officials generally show a warrant of arrest, they do not always inform the detainee and his/her family of where he or she is being taken. After arrest, detainees are not always permitted to make a telephone call to inform their families and friends of their arrest. Detainees are generally informed of their right to see a lawyer, but are not always permitted to exercise this right immediately. This leads, in many cases, to prisoners being held in incommunicado detention, facilitating the use of torture and ill-treatment.

Detainees are denied access to lawyers during questioning. There are no procedures whereby detainees are promptly brought before a judge, in accordance with Article 9(3) of the International Covenant on Civil and Political Rights. Under current procedures, judges decide whether to issue an arrest warrant after examining the written application and documentation submitted to them by the prosecution. Under an amendment to the Code of Criminal Procedure, to take effect in January 1997, judges will also have the right to call suspects to appear before them. But such appearances will be at the discretion of the judge and may only apply to a small number of detainees.

### **b) Length of interrogation before charge**

Under South Korean law the maximum length of time a suspect can be detained prior to indictment on an ordinary criminal offence is a total of 30 days after the issue of an arrest warrant. The National Security Law extends this period to 50 days for people suspected of some offences. (This allows for questioning by the police or the ANSP for up to 20 days and by the Prosecution for up to 30 days). Amnesty International believes the long period of detention for interrogation before charge facilitates the use of torture and ill-treatment to extract confessions.

**c) The use of confessions**

A person charged with a criminal offence in South Korea has the right to be presumed innocent until proven guilty, but there is a law enforcement and judicial culture that expects defendants to admit during their interrogation and at trial that they are guilty. Because a confession in court is deemed to be important, investigation officials may be tempted to extract coerced confessions from suspects.

Although under international standards, pre-trial detention should not be the general rule, judges appear to routinely authorize detention of political prisoners for interrogation purposes. South Korean law recognizes the right of a suspect to remain silent, but prisoners' testimonies show that, on the contrary, pressure is applied on them to answer questions. In practice few detainees find it possible to remain silent throughout their interrogation and many report being compelled by interrogators to sign a "confession" after torture and ill-treatment. Such "confessions" are used as evidence at their trial.

The right of a suspect not to be compelled to testify against himself or herself is guaranteed by the Constitution. The Constitution and the Code of Criminal Procedure recognize the link between torture and ill-treatment and the collection of evidence and they contain detailed provisions restricting the admissibility of confession evidence at trial. However, the courts' failure in the past to apply the law strictly has encouraged a culture where a confession is regarded as the best evidence. Amnesty International knows of many cases over the years in which defendants have claimed before the courts that they had been coerced into signing confessions after torture or ill-treatment, but these claims have often been disregarded by the courts without significant further inquiries. Until the courts examine the voluntariness of confessions when there are allegations of coercion, and exclude evidence established to have been gathered unlawfully, there will remain an incentive for the police and the prosecution to use improper and unlawful means to obtain confessions.

**d) Access to lawyers and family**

South Korean law guarantees the right of a suspect to the assistance of counsel from the moment of arrest. But many political prisoners interviewed by Amnesty International say that upon being arrested they are not informed of their right to see a lawyer or that they are not able to exercise this right immediately. In many cases under the National Security Law involving accusations of "anti-state" activities or "espionage", the interrogating agencies have denied detainees their rights to prompt access to their lawyers and families or have hampered contacts. Lawyers in South Korea are not allowed to be present during a suspect's interrogation.

As a result of the scarcity of lawyers in the country, the lack of a comprehensive state-sponsored legal aid scheme and the high fees charged by lawyers, many people are unable to exercise their rights to assistance of counsel in early pre-trial stages. This is precisely the stage when detainees are at most risk of torture or ill-treatment.

The importance of access to relatives as a safeguard against ill-treatment is heightened in view of the limited number of lawyers in the country and the lack of a comprehensive legal aid scheme. But Amnesty International has learnt of many cases where families were not promptly informed about arrests and were denied prompt access to detainees.

**e) Access to doctors**

A few detainees who were subjected to ill-treatment during interrogation told Amnesty International that they were examined by a doctor before the interrogation started and periodically throughout the period of interrogation. However, detainees are not routinely given a medical examination after they are taken into custody, unless they appear to be seriously ill, or medically examined regularly throughout the period of interrogation. Detainees who wish to make a complaint of ill-treatment do not have access to independent medical attention, making it very difficult for them to obtain documentation about their treatment.

**f) No separation of interrogating and detaining authorities**

There is a lack of formal separation between interrogating and detaining authorities. For example, a person arrested under the National Security Law may be detained and questioned by the police or the ANSP for up to 20 days. The ANSP claims to have no detention facility but Amnesty International has received reports that some detainees have been held in ANSP facilities and interrogated by the ANSP, while police records stated that the detainee was held at a nearby police station.

**g) Police training**

In its report to the Committee against Torture the government gives details of human rights education programs provided for officials in the Public Prosecutor's Office, the National Police Agency and the Agency for National Security Planning. However, Amnesty International has received recent testimonies from detainees who allege that they have been subjected to torture and ill-treatment by officials from these agencies. The organization is concerned therefore that human rights training for law enforcement officials may be ineffective and should be reviewed.

**5) Cruel, Inhuman and Degrading Treatment in Prisons****a) Summary of Concern**

Amnesty International is also concerned that the conditions in which some political prisoners are held may amount to cruel, inhuman and degrading treatment. For example, the political prisoners held in Block 15 of Taejon Prison are over 60 years of age and some have spent over three decades in prison. They are reportedly not allowed any contact with other prisoners and are held in small, unheated cells, although temperatures in winter often

drop to below freezing. Most are reported to be in poor health but receive little medical attention. Throughout the prison system, medical provision is extremely poor. Most prisons only have one part-time doctor and medical facilities are basic. Prisoners with serious illnesses have experienced great difficulty in obtaining permission to visit a doctor outside the prison.

#### **b) Example: the case of Koh Ae-soon**

On 4 December 1995 Koh Ae-soon was arrested under the National Security Law. She was in her 28th week of pregnancy but was reportedly not examined by an obstetrician until 57 days after her arrest. She later had a still birth. Amnesty International does not know whether the still birth was a result of inadequate medical treatment in prison, but is concerned that the medical care given to Koh Ae-soon may have been inadequate, in violation of international human rights standards.

Upon transfer to Kwangju Prison on 9 December Koh Ae-soon is reported to have felt unwell - suffering from a fever, swollen feet, hands and face - but received no medical attention. On 24/25 December she reported large amounts of a clear vaginal discharge and on 26 December she was finally examined by a prison medical officer who apparently did no more than measure her blood pressure. She was not examined by an obstetrician until 29 January - 57 days after her arrest. The obstetrician is reported to have used sonography in order to determine the estimated date of delivery and does not appear to have given any further examination. Upon his recommendation Koh Ae-soon's detention was suspended on 31 January in order for her to give birth. On 5 February her baby was still born.

The prison authorities do appear to have made some concessions for Koh Ae-soon's condition. They apparently gave her a small stove to heat her cell (South Korean prison cells are virtually unheated and are very cold in winter). However, she was only permitted to shower once a week and is reported to have had difficulty eating the standard prison food. There appears to be no special provision for the care of pregnant women at Kwangju Prison.

### **6) Ineffective Remedies**

Under South Korean law any person who believes that his or her rights have been violated has a right to make a complaint. Until the late 1980s, political prisoners who had been subjected to human rights violations had little chance of obtaining redress but in recent years lawyers advising victims of human rights violations have more aggressively challenged the authorities responsible for human rights violations. When they successfully obtained a measure of redress, it was often due to their perseverance against official inactivity, obstruction or delays.

However, in practice the procedures for obtaining redress are complex, lengthy and expensive. This means that they are inaccessible to many people. Many victims of human

rights violations under previous governments have been left without a remedy at all. In South Korea there is no independent body or individual responsible for the protection of human rights and the investigation of reports of human rights violations.

#### **a) Problems with the complaints procedure**

Under South Korean law, both the victim of an offence and a third party who believes that an offence has been committed may lodge a complaint or accusation. A prosecutor investigating a complaint is required to decide whether to institute a public prosecution within three months of the complaint or accusation being made.

In practice, however, prosecutors often fail to take action against officials, leading to a lack of public confidence in the system. Many former prisoners with credible testimonies of human rights violations have told Amnesty International that they do not intend to seek redress from the authorities because they do not think the government or the courts will give them redress and they believe they will not be able to prove their claims. Many people simply do not trust that the Prosecution will bring charges. Amnesty International knows of at least one case where reprisals were taken against a victim because he had made a formal complaint of torture.

The South Korean Government often cites a few well-publicized cases to show that the complaints system is effective. These include the case of Kim Keun-tae (1986), in which police officers were successfully prosecuted for inflicting torture. However, such cases are exceptional. In its report to the Committee against Torture, the government itself admits that since 1990 only 13 officials have been punished for "violent or cruel acts" during investigations. This number seems low in view of the hundreds of allegations of ill-treatment reported to Amnesty International during this period.

It would appear that the authorities do not initiate investigations of their own accord into reported violations of human rights. Reports of torture and ill-treatment are investigated only when the victim has made an official complaint. But Amnesty International's understanding of South Korean law is that there is no requirement for a formal complaint by a victim to trigger the investigation of a criminal offence. Investigation should be carried out when there are reasonable grounds to believe that an act of torture or other cruel, inhuman or degrading treatment or punishment has taken place.

#### **b) Examples**

Professor Park Chang-hee (see page 6) made a formal complaint of torture on 8 June 1995 but received no response. He has now filed a civil action against the government.

Baik Tae-ung was arrested in April 1992 and interrogated for 22 days by the ANSP for offences under the National Security Law. At his trial he testified that he had been deprived of sleep and subjected to drug injection and beatings but Amnesty International does not

know of any investigation by the authorities into these allegations. In November 1993 the South Korean government informed the United Nations Special Rapporteur on Torture that "the allegation of maltreatment was unfounded. It had not been substantiated during the trial and Mr Baik had not filed a complaint."

Hong Song-dam was arrested in August 1989 under the National Security Law. He said that he had been deprived of sleep for several days, stripped naked and beaten. Although Hong Song-dam made a formal complaint, and provided drawings of those responsible, Ministry of Justice officials told Amnesty International in November 1992 that no prosecutions would be carried out because his torturers could not be identified. In the summer of 1993 Hong Song-dam applied for a passport to visit Germany but was told informally by an ANSP official that he would not receive a passport because of the action he had taken against ANSP officials. Since then he has had great difficulty obtaining permission to travel abroad and was recently denied a passport to visit the UK at the invitation of Amnesty International.

### **c) Long-term political prisoners convicted under previous governments**

For many years Amnesty International has called for a review of the cases of long-term political prisoners who were arrested during the 1970s and 1980s and sentenced to long prison terms on charges of spying for North Korea. Amnesty International believes that at least 20 prisoners were convicted during this period after unfair trials and that they were the victims of torture and ill-treatment. In most of 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 or ill-treatment; lack of facilities in the preparation of the defence and conviction mainly based on confession. In some of these cases the information available to Amnesty International strongly supports the view that they are prisoners of conscience and should be released. In the other cases Amnesty International is seeking additional information and is calling on the authorities to review their cases.

These prisoners were arrested and tried at a time when human rights violations were widespread. They have now been left without an effective remedy. For several years human rights lawyers in South Korea have sought retrials for some long-term political prisoners. Under the 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. 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. In one case, that of Shin Kui-yong (now released), The Pusan High Court ordered a retrial but the court's decision was overturned by the Supreme Court in August 1995.

In addition, the statute of limitations on public prosecutions means that it becomes impossible to prosecute those responsible for human rights violations after a certain period has passed. In many cases of long-term political prisoners, the violations occurred too long ago for those responsible to be brought to justice under South Korean law.

Long-term prisoners who have been left without a remedy include Lee Jang-hyung who was arrested in June 1984 under the National Security Law and sentenced, in January 1985, to life imprisonment on charges of espionage. He was interrogated by the security division of the National Police Administration for 67 days after his arrest. He alleges that he was tortured and forced to sign a "confession". Another example is Yu Chong-sik, arrested on 2 March 1975 and held incommunicado for one month by the ANSP, during which time he says he was tortured and forced to "confess" that he had spied for North Korea. He was sentenced to life imprisonment.

### **d) Impunity**

In 1995 the government introduced 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 killing of civilians at Kwangju in May 1980. While Amnesty International welcomes the fact that some people have been brought to justice in relation to this incident, the organization is concerned that there has never been a full and impartial investigation into the killings in Kwangju in May 1980 and that only a small number of officials believed to have been involved have faced prosecution. The government has stated, however, that there will be no further investigation and no further prosecutions.

Other human rights violations carried out under past military governments have also gone unpunished. There has been no investigation into thousands of cases of torture and unfair trial and imprisonment under former governments. This means that many officials responsible for past human rights violations have escaped prosecution. It also means that many victims of past human rights violations have not received redress.

## **7) Recommendations**

Amnesty International urges the authorities to ensure that all acts which constitute torture, ill-treatment and other cruel, inhuman or degrading treatment or punishment are prohibited in practice. To this end Amnesty International urges the authorities to do the following:

- introduce procedures to ensure that all detainees are brought before a judicial authority promptly after being taken into custody.
- ensure that all detainees are given prompt access to lawyers, including during interrogation;
- ensure that all detainees are given prompt and regular access to relatives;
- ensure that all detainees and prisoners have access to adequate and independent medical attention;



- amend legal provisions which permit suspects to be held for up to 50 days before charge and ensure that all suspects are either charged promptly with a recognizable offence or released;
- ensure that the ANSP is not given any further powers to interrogate detainees, in view of recent reports of human rights violations by this agency;
- introduce a clear separation of authority between bodies responsible for detention and those in charge of interrogation;
- ensure that statements obtained from detainees as a result of torture and ill-treatment are not admitted in practice in legal proceedings, except as against the alleged perpetrators of torture;
- ensure that all reports of torture and ill-treatment are promptly investigated by an independent body, regardless of whether or not a formal complaint has been made;
- ensure that people are aware of their right to make a complaint of torture and ill-treatment and that they have a practical means of exercising this right;
- ensure that any official found responsible for human rights violations is brought to justice and that victims receive fair and adequate compensation;
- review and improve the human rights training of all law enforcement personnel responsible for the arrest and interrogation of detainees;
- establish effective remedies for victims of human rights violations committed under previous governments;
- make a declaration under Article 22 of the Convention against Torture, recognizing the competence of the Committee against Torture to receive individual complaints.

## Appendix: Amnesty International's Reports on South Korea

Further information about Amnesty International's concerns about torture and ill-treatment may be found in the following documents, published in the 1995/96 period:

- *International Standards, Law and Practice, the need for Human Rights Reform* (AI Index: ASA 25/25/95), published in November 1995.
- *Open letter from Amnesty International to political parties on the occasion of the April 1996 National Assembly elections* (AI Index: ASA 25/06/96), published in March 1996.
- *Update on National Security Law arrests and ill-treatment* (AI Index: ASA 25/09/96), published in March 1996.
- *Amnesty International Report 1996* (see entry on South Korea)
- *Mass ill-treatment of students in August 1996* (AI Index: ASA 25/26/96), published in October 1996

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國際  
特赦  
組織

منظمة العفو الدولية

News Service 176/96

AI INDEX: ASA 25/24/96  
3 OCTOBER 1996

**SOUTH KOREA: AMNESTY INTERNATIONAL APPEALS TO GOVERNMENT TO HALT  
DETERIORATION OF HUMAN RIGHTS SITUATION**

Despite images of progress in South Korea, patterns of serious violations persist, Amnesty International said today, following a three-week fact-finding visit to Seoul and Kwangju.

Amnesty International delegates investigated recent reports of arrests and ill-treatment of political detainees, including thousands of students who were arrested and beaten by police after a violent confrontation at Yonsei University campus during August. Police interrogated students for up to two days, forcing them to kneel with bowed heads, and beating them during questioning. Detained female students were subjected to sexual harassment.

"South Korean police are in dire need of discipline and training when it comes to human rights," Amnesty International said.

The human rights organization also expressed concern about the government's plan to increase the investigative powers of the Agency for National Security Planning (ANSP, South Korea's intelligence agency), which had been taken away from the agency because of its poor human rights record and lack of accountability.

"In the past the ANSP has been responsible for serious human rights violations," Amnesty International said "recent testimonies show that nothing has changed."

There were more than 300 arrests under South Korea's National Security Law during the first nine months of 1996 -- an increase on previous years. Many of those arrested were accused of belonging to allegedly pro-North Korean study or discussion groups.

"The imprisonment of people for reasons for conscience continues to belie South Korea's reputation as an open, democratic society," the organization said.

Most political prisoners are held in tiny, unheated cells, with a poor diet and inadequate medical provision. Some long-term political prisoners are not allowed any contact with other prisoners. During their visit the Amnesty International delegation obtained written authorization from the Ministry of Justice to visit two long-term political prisoners, Kang Hui-chol and Kim Yun-su. However, on their arrival at the prison the meeting was denied on the grounds that the delegation had not fulfilled the 'procedural requirements' for such a visit.

Impunity for past and current human rights violations is a continuing problem in South Korea. Only ex-presidents Chun Doo-hwan and Roh Tae-woo and a few other officials have been brought to justice for the killings of civilians in Kwangju in 1980. Many officials escaped prosecution and other human rights violations committed under the military governments have gone largely unpunished.

"Until South Koreans from all walks of life insist on accountability, the country's past will continue to haunt the present," Amnesty International said.

ENDS\

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AI INDY ACT 75 09/96  
10 MAY 1996



EMBARGOED FOR RELEASE; 8001 HRS GMT 22 MAY 1996

AMNESTY INTERNATIONAL URGES THE WORLD HEALTH ORGANIZATION TO  
SHEAR FROM HEALTH PROFESSIONALS DOCUMENTING HUMAN RIGHTS  
VIOLATORS

Doctors and nurses have been killed and jailed because they refused to cover up medical evidence of torture and other abuses of prisoners in government prisons, Amnesty International said today.

In an 18-page report, the human rights organization said doctors have been coerced or solicited by law -- into assisting governments -- and have been threatened for treating prisoners, or presented to issue false medical reports.

"Medical evidence of abuse is a powerful aid in search for justice by those who have been ill-treated which governments are often anxious to cover up," Amnesty International said.

In launching its report -- which gives examples from 17 countries -- the organization called on the World Health Organization, the United Nations governments and national medical associations to strengthen mechanisms for the reporting of human rights violations.

In Iraq, in 1964 for example, doctors were required by law to amputate the ears and brand the foreheads of military and civilian "resisters". They were told that if they refused the same would happen to them. One doctor was reportedly executed and many were imprisoned for their refusal to carry out these orders.

Some doctors assist governments passively through tolerance of abuse or actively through advice and assistance to the cover-up of human rights violations.

"The vulnerability of doctors or nurses results from the absence of a strong collective refusal to compromise ethical and professional standards. It is time for the principles of rights and ethics to be realized," Amnesty International said.

Health professionals and medical associations can contribute to the prevention of different abuses by refusing to be exploited in any way for the purpose of torture, interrogation or punishment. Moreover, they can assist the detection, documentation and exposure of human rights violations. The medical examination of prisoners at the time of arrest and regularly during detention is a potential safeguard against physical and mental abuse.

In India, a doctor at the Bone and Joint Hospital in Shimoga said that a prisoner who had to have both feet amputated after developing gangrene, had in fact been kept in the resulting iron fist bite, had acid sprinkled on his feet and all his blood capillaries destroyed.

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AI INDEX: ACT 75/09/96  
14 MAY 1996

News service: 87/96

EMBARGOED FOR RELEASE: 0001 HRS GMT 22 MAY 1996

**AMNESTY INTERNATIONAL URGES THE WORLD HEALTH ORGANIZATION TO SUPPORT HEALTH PROFESSIONALS DOCUMENTING HUMAN RIGHTS VIOLATIONS.**

Doctors and nurses have been killed and jailed because they refused to cover up medical evidence of torture and other abuses or gave medical care to government opponents, Amnesty International said today.

In an 46-page report, the human rights organization said doctors have been coerced—sometimes by law — into assisting amputations, and have been threatened for treating protesters, or pressured to issue false medical reports.

“Medical evidence of abuse is a powerful aid in search for justice by those who have been ill-treated which governments are often anxious to cover up,” Amnesty International said.

In launching its report -- which gives examples from 12 countries -- the organization called on the World Health Organization, the United Nations governments and national medical associations to strengthen mechanisms for the reporting of human rights violations.

In Iraq in 1994 for example, doctors were required by law to amputate the ears and brand the foreheads of military and civilian “deserters”; they were told that if they refused the same would happen to them. One doctor was reportedly executed and many were imprisoned for their refusal to carry out these orders.

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Telegrams: Amnesty London WC1 Telex: 28502 AMNSTY G

8A88187: 香港電訊

The Turkish Medical Association (TMA) has carried out a number of investigations into complicity of doctors, nurses and other health professionals in torture in Turkey, including an inquiry initiated in 1995 into an apparent medical cover-up of torture: two physicians had prepared medical reports alleging that Ahmet Özçil had not been tortured while he was kept in custody despite other reports verifying torture.

In Kenya, there have been several incidents of the police attempting to influence what doctors write in the reports of their medical examinations of detainees, especially when it is obvious a suspect has been tortured. One doctor said that "many times I have been advised [by police] to stop writing medical reports on torture victims".

In 1995, the Bahraini security authorities reportedly warned doctors that if they treated any of those wounded during anti-government protests, they would suffer repercussions. They also prevented ambulances from taking some of the wounded to hospital.

"Some governments showing a cynical disregard for ethics try to put pressure on doctors to produce false evidence or no evidence at all," Amnesty International said. "Health workers who see the results of human rights abuses daily need support -- obviously from their professional associations but also from the wider community. Governments should be accountable for their suppression or manipulation of medical evidence."

If medical examinations and investigations are to play any role in protecting prisoners certain minimum conditions must be met; currently these are not met in many countries. In its new report, Amnesty International documents a number of reasons for the failure of health professionals to effectively expose human rights violations and calls for these impediments to ethical practice to be addressed.

Amnesty International has published and disseminated codes of professional ethics with a view to increasing awareness of basic ethics and the links these have with the promotion and protection of human rights.

"The World Health Organization should undertake more initiatives and give a higher priority to the defence of health professionals under threat for carrying out the ethical practice of their profession," Amnesty International said.

The organization's health professionals network, which has members in more than 30 countries, will be undertaking a campaign on these themes over the next six months.

ENDS../

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**For more information or to arrange an interview, please call:**

**Marc Saghie, Press Office, International Secretariat:**

**Tel.: (+44) 171 413 5831**

**Fax.: (+44) 171 413 5815/5835**

In Georgia, the State Board of Pardons and Paroles...

...sole authority to grant clemency

\*\*\*\*\*

... (영어나 한국어로)

To the Board of Pardons and Paroles

5월 2일 예정된 사형케이스이니까 그전에 모든 회원들이 참여해 주십시오. the Georgia Board of Pardons and Paroles to grant 국제앰네스티 긴급구명활동 담당자 주경란

To the Atlanta Committee for the Olympic Games

- expressing concern that Ellis Wayne Felker is scheduled to be executed in Georgia on 2 May 1996. AI Index: AMR 51/38/96 EXTRA 55/96 사 형 22 April 1996 USA (GEORGIA) claim that Ellis Wayne FELKER is the modern capital for human rights".

Ellis Wayne Felker is scheduled to be executed in Georgia on 2 May 1996. He was sentenced to death in February 1983 for the murder of Joy Ludlam. be subjected to cruel, inhuman or degrading punishment, as proclaimed in the Universal

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel and degrading punishment as proclaimed in Article 5 of the Universal Declaration of Human Rights.

Georgia is the host of the 1996 Olympic games. In their successful bid to host the games, the Georgian authorities claimed that the state capital, Atlanta, "embodies the values of human liberty and equality, as well as any city on earth. As the birth place of the Civil Rights Movement and for many the modern capital for human rights, Atlanta reflects the high ideals of Olympism" (from the Atlanta Committee for the Olympic Games - 5 Volume Application to the International Olympic Committee for the 1996 Olympic Games). These claims are in contradiction to the support and use of the death penalty by the government and population of Georgia.

As of 31 January 1996, there were 103 prisoners under sentence of death in Georgia. The most recent execution in Georgia was of Darrell Devier, on 17 May 1995. Twenty prisoners have been executed in Georgia since the state resumed executions in 1983. The method of execution is electrocution.

Address: Olympic Games Committee, P.O. Box 1906, Atlanta.

In Georgia, the State Board of Pardons and Paroles (BPP) has sole authority to grant clemency. See Members

탄원 내용: 아래의 내용을 전화/ 전보/ 텔렉스/ 팩스/ 우편을 이용하여 탄원합니다. (영어나 한국어로) :

To the Board of Pardons and Paroles:

- expressing concern that Ellis Wayne Felker is scheduled to be executed in Georgia on 2 May 1996;
- urging the Georgia Board of Pardons and Paroles to grant clemency to Ellis Wayne Felker and commute his sentence of death.

*The Letters Editor*

To the Atlanta Committee for the Olympic Games:

- expressing concern that Ellis Wayne Felker is scheduled to be executed in Georgia on 2 May 1996;
- stating that the use of the death penalty is contrary to the Committee's claim that Atlanta is "for many the modern capital for human rights";
- expressing sympathy for the victims of violent crime, but stating that the death penalty is a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, as proclaimed in the Universal Declaration of Human Rights;
- urging the Committee to do all it can to prevent the execution of Ellis Wayne Felker.

보낼 곳:

Georgia Board of Pardons and Paroles  
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5 Floor, East Tower  
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팩스: +1 404 651 8502

전화: Board of Pardons and Paroles, Atlanta, Georgia, USA

호칭: Dear Board Members

Billy Payne

President

The Atlanta Committee for the Olympic Games

PO Box 1996

Atlanta, GA 30301-1996, USA

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팩스: +1 404 224 1997

전화: Olympic Games Committee, PO Box 1996, Atlanta, Georgia, USA

호칭: Dear President and Committee Members

Copies of appeals to the Atlanta Committee for the Olympic Games should be sent to:

Dr Leroy T. Walker, President



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주한 미국 대사님

지금 즉시 탄원합니다.

April 1986

SUMMARY

AMNESTY: ASA 25/12/86  
DPS/19/SC/CO/CH

Amnesty International is calling for an independent inquiry into the case of a prisoner of conscience who was arrested on political charges in the latter stages of pregnancy and was denied adequate medical care while in detention. Koh Ae-soon, aged 28, was arrested in her 28th week of pregnancy but was not examined by an obstetrician until 57 days after her arrest. She later had a still birth. Amnesty International does not know whether the still birth was a result of inadequate medical treatment in prison, but it is concerned that the medical care given to Koh Ae-soon was grossly inadequate and in violation of international human rights standards. Amnesty International also believes that Koh Ae-soon was arrested for the non-violent exercise of her right to freedom of expression and association and is calling for all charges against her to be dropped.

Koh Ae-soon was arrested by the South Cholla Province Police on 4 December 1985 under the National Security Law. On 9 December she was transferred to Kwangju Prison where she was held until 31 January 1986. Upon arrival at Kwangju Prison Koh Ae-soon is reported to have felt unwell - suffering from a fever, swollen feet, hands and face - but received no medical attention. Between 11 and 27 December, when she was charged, Koh Ae-soon was taken on several occasions for questioning at the prosecutor's office outside the prison. On each visit she was tied by the wrists.

On 24/25 December Koh Ae-soon reported large amounts of a clear vaginal discharge and on 26 December she was finally examined by a prison medical officer who apparently did no more than measure her blood pressure. Although he promised to arrange a full medical examination, this was not carried out until 29 January - 57 days after her arrest. The obstetrician who examined Koh Ae-soon on 29 January is reported to have used sonography in order to determine the estimated date of delivery and does not appear to have given any further examination. Upon her release on 31 January Koh Ae-soon's detention was suspended on 31 January in order for her to give birth. On 5 February her baby was still born.

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# Amnesty International

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## REPUBLIC OF KOREA (SOUTH KOREA) Pregnant woman denied medical care in prison

April 1996

SUMMARY

AI INDEX: ASA 25/12/96

DISTR: SC/CO/GR

Amnesty International is calling for an independent inquiry into the case of a prisoner of conscience who was arrested on political charges in the later stages of pregnancy and was denied adequate medical care while in detention. Koh Ae-soon, aged 28, was arrested in her 28th week of pregnancy but was not examined by an obstetrician until 57 days after her arrest. She later had a still birth. Amnesty International does not know whether the still birth was a result of inadequate medical treatment in prison, but it is concerned that the medical care given to Koh Ae-soon was grossly inadequate and in violation of international human rights standards. Amnesty International also believes that Koh Ae-soon was arrested for the non-violent exercise of her rights to freedom of expression and association and is calling for all charges against her to be dropped.

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The prison authorities do appear to have made some concessions for Koh Ae-soon's condition. They apparently gave her a small stove to heat her cell (South Korean prison cells are virtually unheated and are very cold in winter). However, she was only permitted to shower once a week and is reported to have had difficulty eating the standard prison food. There appears to be no special provision for the care of pregnant women at Kwangju Prison.

The treatment of Koh Ae-soon violated international human rights standards relating to the medical care of detainees. Article 24 of the Standard Minimum Rules for the Treatment of Prisoners states: "*The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary. . .*"

Article 25 of the Standard Minimum Rules for the Treatment of Prisoners states: "*The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed. . .*"

Article 24 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states: "*A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. . .*"

Article 6 of the Code of Conduct for Law Enforcement Officials states: "*Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required*".

Amnesty International urges the South Korean authorities to order an independent inquiry into the treatment of Koh Ae-soon at Kwangju Prison. This inquiry should seek to ascertain the following:

- Why Koh Ae-soon was not given a full medical examination until 57 days after her arrest;
- Why the examination on 29 January 1996 was limited to a sonograph to determine the date of delivery;
- What measures were taken to investigate the discharge reported by Koh Ae-soon on 24/25 December
- What were the reasons for Koh Ae-soon's still birth.

Amnesty International has previously expressed concern to the South Korean authorities that detainees in South Korea are not always given a medical examination after they are taken into custody, or examined regularly throughout their period of interrogation. It believes that all detainees should be offered regular medical examinations throughout the period of interrogation by a medical officer who belongs to a different government agency to that of investigating officials. Examinations should take place in private and written records should be kept. Records of medical examinations should be confidential but capable of being communicated, at the detainees' request, to her or her lawyer and family.

Amnesty International is also concerned that Koh Ae-soon was arrested for the non-violent exercise of her rights to freedom of expression and association. Although she was released from prison on 31 January, she still faces trial and imprisonment as a prisoner of

conscience under Article 7 of South Korea's National Security Law. She has been charged with "praising" and "encouraging" North Korea through distributing pamphlets, newsletters and other promotional material for the National Alliance for Democracy and Unification of Korea (NADUK) on several occasions in 1994.

South Korea's National Security Law is often used arbitrarily to restrict freedom of expression and association in South Korea. Article 7 of the National Security Law provides up to seven years' imprisonment for those who praise, "encourage" and "side with" North Korea "with the knowledge that he or she might damage state security". During 1995 and early 1996 dozens of political activists, students, academics, publishers and others were arrested under this provision of the law, some of whom were sentenced to prison terms.

Koh Ae-soon was also accused, under the Law on Assemblies and Demonstrations, of participating in several demonstrations in 1994 and shouting anti-government slogans. To Amnesty International's knowledge she did not use or advocate violence. All the charges against Koh Ae-soon relate to incidents which occurred during 1994. It is unclear why she is being prosecuted two years later.

*Please send letters and faxes in English, your own language or Korean:*

- expressing concern that Koh Ae-soon was denied adequate medical care during her detention in Kwangju Prison in December 1995;
- calling for the South Korean authorities to order an immediate and independent inquiry into the lack of medical care given to Koh Ae-soon and to establish any links between this lack of medical care and the still birth of her child in February 1996;
- urging the South Korean authorities to ensure that in future the medical care of detainees conforms with international standards;
- expressing concern that Koh Ae-soon was arrested for the non-violent exercise of her rights to freedom of expression and association and calling for charges against her to be dropped.

*Write to:*

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

- Mr Ahn Woo-man, Minister of Justice  
Ministry of Justice, 1 Chungang-dong, Kwachon-myon,  
Shihung-gun, Kyonggi Province  
Republic of Korea  
**Fax: +82 2 504 3337**

- Director, Kwangju Prison  
Munhong-dong 88-1  
Puk-gu, Kwangju-shi  
Republic of Korea

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

*This appeal is sent to KOTARAN coordinators for quick action by selected groups.*

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