

AMNESTY INTERNATIONAL

Public Statement

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Republic of Korea (South Korea): The revised Terrorism Prevention Bill: fear of increased human rights abuses

Amnesty International is concerned that the government of South Korea is reportedly set to introduce and put to vote a revised version of the Terrorism Prevention Bill in October 2003.

Amnesty International acknowledges that the South Korean government has a right and duty to protect the rights and safety of people within its territory; however any legislation or action adopted and implemented must conform to international human rights standards.

Amnesty International calls on the South Korean government to ensure that the Terrorism Prevention Bill (referred to hereafter as "the Bill") and other national security measures fully conform with international human rights standards.

Amnesty International welcomes the removal of provisions in the revised draft of the Bill which extended the application of the death penalty. Amnesty International had raised deep concern on this aspect of the Bill in its April 2002 report, Republic of Korea: "Terrorism Prevention Bill: Granting greater scope for human rights violations," (ASA 25/003/2002).

However, Amnesty International remains concerned that several provisions in the revised Bill give scope for increased human rights violations. The Bill in its present form has provisions that could further empower the National Intelligence Service (NIS), a secretive agency about which Amnesty International has expressed concern because of its responsibility for some of the most serious human rights violations. For instance, Article 4 of the Bill provides for the creation of a Counter-Terrorism Centre to be "established under the command of the Director of the National Intelligence Service." There is concern among human rights defenders in South Korea that this centre will be set up as part of the NIS giving the agency widened scope for greater human rights violations. Amnesty International calls on the South Korean government to avoid enactment of any legislation that would further empower an organization such as the NIS in that it could increase the possibility of human rights violations.

Amnesty International is also concerned that the Terrorism Prevention Bill appears to deny the right of non-citizens who are suspected of being "terrorists" to apply for asylum. Article 8 of the revised Bill gives authority to the head of the Counter-Terrorism Centre to request the deportation of foreign nationals without having their claims for asylum assessed through fair and satisfactory procedures. The Counter-Terrorism Centre is under the command of the NIS, further increasing the power of the NIS in recommending the deportation of foreign nationals. This provision increases the risk of refoulement - a breach of the obligation under the 1951 Refugee Convention and UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) not to return anyone to a country where they may suffer serious human rights abuses such as torture or the death penalty. South Korea is a state party to both the Refugee Convention and Convention against Torture. Amnesty International urges the South Korean government to ensure that national security legislation,

including the Terrorism Prevention Bill, does not undermine the right of non-citizens to seek asylum and that asylum seekers are not deported without having their claims for protection assessed through fair and satisfactory procedures.

Amnesty International is also concerned with vaguely worded clauses of the Bill such as Article 13 which deals with false reports or spreading wrong information regarding terrorism. While Amnesty International recognises that action may need to be taken against hoax reports, there is concern that there are few safeguards if there is false reporting through genuine mistakes or by people with mental health problems. Amnesty International is also concerned that Article 13 could be used to increase surveillance on political activists, and greater government monitoring of the means of communication used by activists and civil society in general, increasing the potential for human rights abuses.

The Bill in its current form has raised serious concern in the human rights community in South Korea. It contains provisions which directly contravene international human rights treaties to which South Korea is a party. At the same time, many of its provisions appear to be clearly open to abuse by law enforcement officials without providing adequate safeguards against such abuse.

Background

Following the 11 September 2001 attacks in the USA, the NIS announced on 12 November 2001 that the South Korean government was set to enact the Terrorism Prevention Bill. The government argued the Bill was justified as a measure to increase security during the June 2002 World Football Games and the September 2002 Asian Games, but failed to secure the requisite number of votes when the Bill was put to the National Assembly in April 2002. At that time some 90 NGOs expressed concern about the Bill, and the National Human Rights Commission stated that the circumstances the government used to justify the Bill simply did not exist. They still do not exist.

Amnesty International has consistently raised concern about the NIS which has committed a pattern of human rights violations under national security legislation like the National Security Law (in force since December 1948). In 1999, Amnesty International called on the South Korean government "to curb abuses by the intelligence agency" which "has been responsible for some of the most serious human rights violations in South Korea, including torture of political suspects." In a 1998 report (AI Index: ASA 25/022/1998), Amnesty International called for the release of at least 15 long-term political prisoners who were convicted unfairly and on politically motivated charges during the 1970s and 1980s, most of whom were sentenced to life imprisonment under the National Security Law on charges of spying for North Korea. The organization stated that "(t)heir cases follow a consistent pattern of illegal arrest, incommunicado detention, torture and coerced confessions, mostly carried out by the Agency for National Security Planning (ANSP, recently renamed as the National Intelligence Service)". In a 1997 report (AI Index: ASA 25/023/1997), Amnesty International quoted one of the victims of the ANSP, Hwang Tae-kwon, a former prisoner of conscience: "(a)fter 60 days of torture and beatings in the basement of the Agency for National Security Planning and after three years of imprisonment for a crime I did not commit, having been silenced all these years, I hope my story will expose the crimes that were committed against me by the powers-that-be in order to extract my 'confession' ".

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