

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **ROK: Amnesty of political prisoners -- a step in the right direction**

Amnesty International welcomed today the South Korean government's decision to release 13 political prisoners, nine of whom were serving sentences under the controversial National Security Law (NSL). They were among 1424 people who benefited from an amnesty.

Amnesty International considers this amnesty, which includes prisoners recognized by the organization as Prisoners of Conscience (POCs), a positive step forward.

"We welcome the amnesty, but we are concerned that conscientious objectors - who are also Prisoners of Conscience - have not been included," Amnesty International said.

As of March 2003, there were at least 1,000 conscientious objectors in prison, most of whom are Jehovah's Witnesses. Every year, about 500 men refuse to accept military conscription in South Korea on grounds of conscience and are detained as a result.

"Steps should be taken by the South Korean government to abolish the NSL or, otherwise, to amend it to bring it into line with international standards regarding clarity of criminal law, freedom of expression and association," Amnesty International emphasized.

In this regard, Amnesty International welcomes the call by Ko Young-koo, the newly appointed Director of the National Intelligence Service (NIS) to amend the NSL. At a parliamentary hearing on 22 April 2003, he also called for the revision of an NSL clause that currently outlaws any acts of "praising, encouraging, disseminating or sympathizing with" an anti-state organization on grounds that the clause is too vague and thus susceptible to arbitrary application.

Amnesty International acknowledges that every government has a right to take measures to ensure the security of its citizens. However, this should not be an excuse or justification for denying people the right to express different political views, in accordance with international human rights standards.

Amnesty International urges the government to review the NSL without delay and pending the conclusion of the review to ensure that complaints about the abuse of the NSL are subjected to independent scrutiny by human rights protection bodies such as the National Human Rights Commission.

### **Background**

The NSL, which has been in force since 1948, has been used throughout the years to imprison people for

non-violent political activities. The law provides long sentences or the death penalty for "anti-state" and "espionage" activities but these terms are not clearly defined and have often been used arbitrarily against people whose only crime is to exercise their basic rights to freedom of expression and association. Most arrests in recent years have been made under Article 7 of the law that provides sentences of up to seven years' imprisonment for "praising" and "benefiting" the enemy (generally meaning North Korea).

The NSL has been used frequently as a form of censorship, to imprison people for publishing and distributing material deemed to "benefit" North Korea. The NSL is applied in an arbitrary fashion - while certain left-wing political works are permitted for academic study, possession or reference to the same works has often become a criminal offence in the hands of a student or activist with perceived "pro-North Korean" leanings.

Some people have been arrested merely for discussing reunification with North Korea, publishing socialist or "pro-North Korean" material or having views considered similar to those of the North Korean Government.

As of February 2003, at least 24 prisoners were reportedly being held under the NSL. Amnesty International believes that many of these prisoners were held because of their non-violent political activities.

Amnesty International is also concerned about the large number of people who are imprisoned every year for refusing to perform military service on grounds of conscience.

Every South Korean male has to undergo compulsory military service between the ages of 18 to 28; the military service lasts for up to 26 months. Though freedom of conscience is guaranteed by the South Korean Constitution, refusal to undergo military service or refusal to take lethal weapons during military training on the basis of one's faith and belief is a criminal offence. Those who refuse to comply with conscription are tried by civil courts for violation of the conscription law. Those tried in civil courts used to receive a maximum sentence of three years; though recently there has been a reduction of the punishment to two years and in some cases up to 18 months of imprisonment. Those who refuse to participate in military training after being conscripted are tried in a military criminal court for mutiny; they are usually sentenced to three years imprisonment. Conscientious objectors have been punished in South Korea for the last 60 years. Amnesty International considers all those detained on grounds of conscientious objection to military service to be POCs.

For more information, please go to:

<http://web.amnesty.org/library/index/engasa250012002> (Republic of Korea: Prisoners of conscience: Silenced for Speaking Out)

Public Document

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